

JULY 21, 1989 \$3

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A DAY OF
RECKONING
FOR PRINCIPAL

ABORTION ON TRIAL

—
New Rulings
Intensify The
Raging Debate

—
Barbara Dodd's
Change
Of Heart



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CANADA'S WEEKLY NEWSMAGAZINE JULY 31, 1989 VOL. 102 NO. 31

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COVER

ABORTION ON TRIAL

For two young women at the centre of the abortion debate, attention has focused on the intimate details of their cases. Last week, a Quebec court delayed a decision on whether a woman could undergo the procedure. In Toronto, another woman said that she regretted having her own court-approved abortion. And in Ottawa, the Prime Minister promised a new abortion law. — 14



BUSINESS

THE DAY OF RECKONING

A long-awaited report into the Principal Group Ltd. collapse laid the blame mainly on founder Donald Corrie and the Alberta government. Now police are considering criminal charges, and Principal investors are pressuring the province to live up to a promise to compensate them for their losses. — 30



ROYALTY

DISCORDANT NOTES

Andrew and Sarah, the Duke and Duchess of York, proved popular with ordinary Canadians as they followed a grueling schedule of events last week. But the smoothly organized tour was unexpectedly jolted by an antiroyal demonstration and incidents with sexual connotations. — 26



OPENING NOTES

Lucy Maud Montgomery reincarnated, Erik Nielsen tells all, and Don Getty has second thoughts about the Senate

OTTAWA UNBUTTONED

For many Ottawa politicians the publishing event of the season will likely come on Aug. 21—when former deputy prime minister Erik Nielsen's autobiography is scheduled to hit the bookshelves. Entitled *The House Is Not a Home*, the book covers a political career that began when Nielsen, a Manitoba lawyer, was elected to the House of Commons in 1957—and ended with his abrupt 1980 retirement from Parliament. During his time on the government benches, Nielsen's penchant for secrecy was like the notorious Velour Lips. But author Walter Stewart—who helped write the book—said that the autobiography is remarkably candid. Said Stewart: "It is Velour Lips unbuttoned. It contains revelations that, even to someone like me who covered much of the period that we are dealing with, are mind-boggling." Stewart added that the book will not win a rave review from Brian Mulroney. Said Stewart: "It is not excessively flattering of the Prime Minister." Nielsen himself has said little about the book to date. Old habits die hard.

Illustration: Nielsen's nickname and a penchant for secrecy



Using bread as a bargaining chip

Canada could harvest about 22 million tons of wheat this year—but key U.S. officials say that they have quietly asked Ottawa to use that huge crop as a weapon against terrorism. They say that they did so on the basis of U.S. intelligence predictions that *Saddam* harvests in Syria will force Damascus to buy U.S.—or Canadian—grain. The Washington, D.C.-based officials add that the United States is prepared to sell wheat to Syria—if Damascus expels Palestinian nationalists who they say blew up a *Pro American* jetliner over Scotland last December. Food supplies are a powerful influence on foreign policy.



Sencho-Vicario, Samanovich: the game may not be on the program in Barcelona

LOBBYING FOR OLYMPIC TENNIS

Jose Antonio Samanovich is an avid tennis fan and he was clearly pleased when the sport was one of the winners of the 1992 Summer Games after a long absence from Olympic competition. Still, the president of the International Olympic Committee may not have the thrill of seeing Spanish tennis star Andres Sencho-Vicario compete for Olympic gold in their home town of Barcelona, site of the 1992 Summer Games. That is because IOC rules bar sporting links with South Africa—and the powerful Association

of Tennis Professionals has scheduled two tournaments there for 1990. And as the IOC prepares to bid the sports for the 1994 Summer Games, association spokesman Rod Harris said that the AIT would not cancel the South African contests "without good cause." Without such a cancellation, however, Samanovich could find it difficult to keep tennis in the Olympics. Said Canadian IOC representative Richard Pound: "I do not think the IOC will put the Olympics at risk for one sport." The ball is in Samanovich's court.

TURN LEFT AT THE SWASTIKA STREET SIGN

Some officials in the northern England community of Bolton, an industrial city of 230,000, are threatening to seek revenge for losing the latest round in a recent battle over the construction of 300 luxury houses. The town council argues that the proposed subdivision is not suitable for a traditional suburban near the city's centre. And the council has not accepted the latest setback with good grace. For one thing, councillor Guy Harkiss wants to compel action in the development by naming its streets after South Sea leaders as Adolf Hitler and Hermann Goering—the German air force commander who sent waves of bombers to attack Britain during the Second World War. Living at the corner of Hitler Avenue and Goering Walk might be difficult.

On second thought

The Alberta legislature began debating one of Premier Don Getty's pet projects last week—a bill that would use



Getty: a pet project

candidates for the province's six Senate seats chosen by popular election. But some Conservative and opposition members predict that Getty will eventually shelve the proposed legislation. One reason the Tories' growing concern that many voters might share their disapproval of the government's performance—by electing a candidate from the right wing Reform party.

Script changes in Charlottetown

More Don's latest work is currently playing at the Charlottetown Festival, a play inspired by Jane of Green Gables' author, Lucy Maud Montgomery. Still, when the University of Guelph—which owns the rights—asked Don's request to use Montgomery's own words from her published journals for using the *Hilary* playwright had to set about rewriting the work. The next play, entitled *Mead for Myself*, now stars actress Laurel Seyth as a struggling writer who believes that she may be Montgomery's reincarnation. Indeed, director Walter Learning maintains that the university's initial ultimately generated a better play. Said Learning: "Our thanks to those who walked the rights."

Seyth (left), Learning and Don: a refund and a new play



SLOWING DOWN FREE TRADE

Coris Mills in Washington's most powerful trade official. But some U.S. officials say that the special trade representative has had little time recently to work on the Free Trade Agreement. Last week, the former secretary of housing and urban development spent six hours testifying before a congressional committee that is investigating management within HUD—after her tenure there. In the meantime, such issues as Canadian pork exports—which the Americans argue involve unfair subsidies—await Mills's undivided attention.



A price tag on history

With its life-size historical photographs, the Canadian Museum of Civilization in Hull, Que., promises to be a crowd pleaser when it opened June 29. But since the museum began charging admission on July 4, 300 visitors have descended—and obtained—a refund of their \$4 entry fee. The reason that many have gone: only 46 per cent of the museum's 170,000 square feet of exhibition space is ready for public viewing. Meanwhile, the Canadian War Museum in Ottawa last week began charging a \$2 admission fee, following new guidelines that seek to make such federally funded institutions more cost-effective. War museum officials candidly acknowledge their hope that a similar demand for refunds will force the government to step up such fees. Said museum spokesman Pate Kerr: "I hope that the figures will show that charging admission seriously affects our numbers."

Museum of Civilization: 300 refunds

SEEKING ANSWERS



Browne, investigators at Dryden crash site in March (below) a long takeoff run

CONFIDENCE IN THE GOVERNMENT'S ABILITY TO HELP PREVENT AIR DISASTERS IS CLEARLY SHAKEN

There was little in the still, warm air of the woodland glade to suggest that it had ever been the scene of terror, fire and violent death. Kneeding his blackberry bushes, Alberta Govt of Queen's Bench Judge Wergil Malanovsky surveyed the torn stumps of trees and scattered bits of wreckage, all that remained last week of the crash that had brought him to the hillside clearing outside Dryden, Ont., 300 km northwest of Thunder Bay. It was a scene in sharp contrast to the day last March when an Air Ontario Fokker F-27 jet lurched briefly from the end of a runway at Dryden's nearby airport, veered momentarily in a veil of snow, then

crashed and burned on the slope where Malanovsky stood. Twenty-four people died in the disaster, while miraculously, 45 others survived. Malanovsky's purpose in visiting the site of the tragedy was to begin the work of finding out why the accident happened—and to encourage more ways to prevent anything like it from happening again.

For veteran observers of Canada's troubled

aviation safety bureaucracy, however, Malanovsky's mission was by no means without significance. For one thing, the Dryden crash bore some echoes of the country's worst ever air disaster, 20 months earlier: the crash on takeoff of a heavily loaded and over-iced DC-8 jet from Gander airport in Newfoundland in December, 1985, in which 256 people died. And, for another, a large part because of that earlier disaster, the Malanovsky inquiry marked the first time in 30 years in Canada that primary responsibility for an air crash investigation had been given to a royal commission headed by a jurist.

In the wake of the Gander crash, the nine-member Canadian Aviation Safety Board (CASB)—then responsible for the investigations of air accidents—had looked into warring camps with disdaining views of what caused the Newfoundland tragedy. With public confidence in the government's ability to explain—and help prevent—air disasters seriously shaken, federal Minister of Transport Bert Brown, at March ordered the CASB replaced, commissioned a review of its larger investigation and instructed

the inquiry into the Dryden accident to be speedy. Last week, as the judge began his task, officials in Brown's department were putting the final touches on a plan to reduce congestion over Toronto's overcrowded Pearson International Airport. But as the weeks flew by, Brown's Superior Court justice Wadley J. on Friday issued his report on the board's Gender inquiry. The findings did little either to confirm or discredit the agency's earlier conclusion that they provoked outrage from families of the 115 victims.

As Craig Brown, a 59-year-old middle-class pilot, watched, the red-and-white aircraft lumbered down Dryden's 1,800-m runway. To Brown, the jet appeared to see several hundred metres more runway than normal before its nose lifted into the air. Then, Brown recalled last week, "as it passed over the trees, the left wing dropped, then it came back up. Then the right wing started to drop and [the pilot] brought a backspin. It seemed like he was fighting it. Then it disappeared in the trees." Moments later, black smoke and flames billowed from the trees. Arriving at the crash-site within minutes, Brown found dead survivors, some badly injured and injured, struggling through hip-deep snow away from the shattered aircraft. Other victims remained trapped, screaming inside the burning fuselage.

Four months later, Malanovsky looked on fully to Brown's (shaking) account in the narrow, pane-walled meeting room of Dryden's Best Western Motel Inn, as his inquiry noted, orders to begin piecing together the details of the

Malanovsky: a bid to regain public confidence

Dispute Brown's account, Canadian air travellers clearly receive services. A poll by Gallup Canada Inc. released in April found that 89 per cent of Canadians believed air travelled because less safe as the previous few years. In its analysis of that finding, Gallup concluded that both the Gander and Dryden crashes, as well as major reports of "near-misses" between aircraft and the highly publicized deaths in the crash, "have served to upset the Canadian air-travelling public." These concerns were underlined last week when the crash of a Philippine Airlines MAC-11 jet landing at Manila killed eight persons and more than 100 per cent in the crash of a United Airlines DC-10 in Sioux City, Iowa (page 24).

By the time Malanovsky's inquiry into the Dryden crash began last week, many details about the final minutes of Air Ontario's Flight 380 had already been established. It was moving lightly and the temperature hovered around freezing at 11:48 a.m. on March 18 when the two-engine Fokker lurched at Dryden's small regional airport but on behind schedule on its run from Thunder Bay to Winnipeg. Twenty minutes later, rattled and fully loaded with 85 passengers—most from around Thunder Bay—and four crew members on board, the aircraft was ready to

leave. By then, the snow had turned wet and was falling heavily. Captain George Morneau burned down an offer to have his aircraft ground, a procedure that would have taken only a few minutes but would have required him to shut down the plane's engines. At 12:05 p.m., the jet had to wait not more minutes while a smaller aircraft landed to complete the emergency. At 12:08, the Air Ontario plane began its takeoff run.

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Four months later, Malanovsky looked on fully to Brown's (shaking) account in the narrow, pane-walled meeting room of Dryden's Best Western Motel Inn, as his inquiry noted, orders to begin piecing together the details of the crash. A most contentious perspective on the disaster came from Dryden airport manager Peter Louder. An ex-CC-119 fighter-jet pilot, Louder recalled seeing dustclouds when he heard "an explosion" from the site of the crash. He suggested just before the plane rolled out of sight from his office window. He told Malanovsky that he was convinced the sound was the result of an engine failure—called a "thrustout" by pilots. When they were estimated later on the point, however, Louder acknowledged that he had misperceived a moment had occurred.

While each witness shed some light on the tragedy, most were amazed claims. The aircraft's flight recordings—contained in the so-called black box—were destroyed in the intense heat of the days that followed the crash and yielded no useful information. And one longtime pilot who attended the hearings, but who refused to be identified, warned against the speculation that an accumulation on the Fokker's wings was the only cause of the disaster. "Nevertheless, the result of a series of things," he said. "Only a few levels in the chain of events for a plane crash." But while Malanovsky continued his sifting of the record of Flight 380's tragic conclusion, the conflict between that disaster and the 1985 crash at Gander of an aged Air Canada DC-4

National Notes

CHINESE WHO?

Doctors began to help in their search for the identity of a 14-year-old girl who disappeared on her way to a school in 30 July's NIO, on July 7. Physicians said that the girl, known only as Christina and severely diagnosed as suffering from cerebral palsy, is in fact another degenerative disease that cannot be identified or treated without more information about her background.

OUT OF THE FLAMES

Forest fires drove 3,600 people from their homes in central and northern Manitoba, one of the largest evacuations in several years. At one point last week, more than 200 fires were burning in the province. First in northwestern Ontario forced the evacuation of more than 300 people from remote settlements.

SUPPORT FOR SEPARATISM

Twenty-eight per cent of Canadians favor a separate Quebec, according to a poll of 1,034 people released by Gallup Canada Inc. The poll discovered that 36 per cent of francophone Canadians support Quebec's independence. The national figure was the highest support for the view since Gallup first asked the question in 1968, when only 11 per cent of Canadians favored separation.

DIE'S SENATE INQUIRY

After General Alexander Byrge got a green light from a Senate committee to discuss his request to examine some of the upper chamber's \$25 million in annual spending—both as to be spent not to cause the frequency of its meeting as to cause effectiveness.

CHINESE SOLIDARITY

Doctors of Chinese students attending universities across Canada met in Vancouver and formed a national group to raise awareness of their own problems in their homeland. The group's first action was to demand that the federal government offer them limited emergency relief rather than extending their student visas.

INTERNATIONAL AFFAIRS

A United Nations investigation, Major Alberto Martinez of Cuba, held private meetings with several hundred active leaders at the Union Labor House in Havana's Sancti Spiritus to hear allegations of treaty abuses by the Canadian government. Names of participants: Peter DeGrip and that they were talking to the United Nations "because there are no effective domestic remedies" to dispute over treaty and land rights.



because, increasingly, criticism. In both cases, heavily loaded jet aircraft crashed into the woods shortly after taking off, conditions that could have caused wing problems. In both cases, more observers believed an engine malfunction just before or during takeoff may have been a contributing cause.

The legacy of the Gander crash, however, has extended beyond its tragic impact on the families of its victims—most of them U.S. servicemen returning home from unglorious duty in the Middle East. For three years after the 1985 disaster, a team of specialist crash investigators conducted sophisticated tests on the wreckage of the Arrow jet, questioned witnesses and examined flight and airline documents. Last December, the board released its conclusions, reporting that the most significant cause of the crash was a sandpaper-like coating of ice on the jet's wings that had reduced the plane's capacity to lift off.

But a second, minority report, released on the same day by four dissenting board members with the endorsement of several senior transport department officials, immediately undermined the official version. The dissenters argued that there was evidence of engine failure, an explanation—and perhaps even a bomb—any of which would have brought the crash down to a different public disengagement between the two factors of the crash was made worse by a leaked Transport Canada report criticizing both sides at the time. That document suggested that a deeper issue lay at the heart of the dispute—that the aviation safety board was riven by disagreements about whether investigations should be under the control of professional accident investigators or the CMB board members.

With the Air Ontario jet's crash three months later, a beleaguered Bushch, who had tried unsuccessfully to end the bureaucratic infighting between the CMB and its staff, was forced to take more drastic action. On March 28, Bushch announced wholesale changes in his department. Among them:

- Bushch stripped the CMB of the power to make on the scene of air crashes and ordered it replaced by a new survey to investigate all types of transportation accidents.
- A task force was promised to conduct a review of air safety issues, including the shortage of safety inspectors and air traffic controllers, and all air traffic and safety regulations.
- The investigation of the Dryden accident was turned over to Mishausky, while Tait was assigned to review the crash's investigation of the Gander crash.

As it turned out, Tait's review found little support for the "disaster" position. While Tait wrote: "There is almost no evidence which supports any of the conclusions of the minority." But his report held no comfort either for the CMB majority or any observers

a common FBI report on the crash. Still, it was a modest last week that Bushch's reforms have indeed reshaped the way air crashes are investigated in Canada. Frederick von Velt, Mishausky's chief communications counsel, said that the inquiry had "supercharged"



U.S. servicemen with coffin of colleague killed at Gander; controversial investigation

who had hoped that investigators might draw some lessons from the tragic fiasco to Arrow Air Flight 960. Declaring that the cause of the crash remained a mystery, Tait said specifically that the evidence "does not show that ice was the cause of the accident." Relatives of the crash victims rejected the finding and called for a separate, U.S. investigation and the release of

ed" with an approach very different from past enquiries. Although von Velt complimented the CMB's investigators and their technical facilities in Ottawa as among "the best in the world," he added that they had become too self-reliant. As a result, he said, the Mishausky inquiry would "bring in expertise from outside," including Air Ontario officials, the Canadian Airline Pilots' Association and police investigators. In another departure from past practice, Mishausky planned to hear from representatives of the victims of the crash, including survivors and their families.

Mishausky's mandate calls for a progress report by the end of September and the final report no later than March 28, 1990. Along the way, involved reports on the accident and its engines should shed more light on Lozza's flawed theory. The inquiry will also examine the significance of a Transport Canada audit of Air Ontario's operations, completed in February, 1988, that identified 410 shortcomings in the airline's compliance with transport department regulations. And for the specialists preparing those reports, there is an additional pressure: Many are former employees of the CMB, whose announcement of the events of last March 10 will have a direct bearing on the confidence of Canadian investors and their push-backs' national reputation.

GREG W. TAYLOR in Dryden with
BRUCE WALLACE in Ottawa

Tait's cause remains a mystery



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ABORTION ON TRIAL

On one level, the debate has been about nothing less than the beginning of life, an issue that has been joined with passion from coast to coast. On another, there was the human drama of two young women who met new friends in the past year, began intimate relationships and ended up making one of the most mutually personal decisions a woman can make—to have an abortion. Because of objections from both for and against, the case went to court. Then, testimony and deposition revealed their most intimate secrets—only details of the mounting personal animosities between couples. At the centre of the drama were two unlikely people in the great debate: *Shirley Doid*, a 22-year-old exotic dancer from Toronto, and *Chantal Daigle*, a 21-year-old secretary from Châteauguay, Que. Last week, Doid made a stunning comeback, revealing with her lawyer, and that she reported having her abortion. Daigle, still awaiting a court decision, seemed to go in the United States to have an abortion of seven days. And, as Ottawa, *Pro-life Minister Brian Mulroney* intervened in say that Ottawa would put an end to the chaos created by the fact that there is no effective national law on abortion.

They met at a Montreal shopping centre last November and in February they were sharing her apartment at the east-end suburb of Pointe-aux-Trembles. Chantal Daigle, from the northern Quebec town of Châteauguay, became pregnant and had planned to marry Jean-Guy Tremblay, a 22-year-old auto service representative, at the end of July. But the romance faded and, instead of preparing for her wedding, Daigle spent the past three weeks enrolled in a turbulent legal battle in an attempt to procure an abortion against Tremblay's will. Her fight began when Tremblay obtained a court injunction to prevent Daigle from carrying out her abortion. By late last week, it had reached Quebec's highest court, which postponed its decision as Daigle's pregnancy passed its 20th week on July 31, the latest day of pregnancy on which abortions are routinely performed in Canada. But Daigle refused defeat. She told the court against the injunction, in a ruling expected this week, she declared, she would go to an American clinic to terminate the pregnancy. Added Daigle: "My rights are my rights, and they are the rights of all women."

THE DEBATE OVER ABORTION TAKES ON A PERSONAL EDGE AS IT MOVES INTO THE COURTS



Eighteen months after the Supreme Court of Canada declared the country's abortion law unconstitutional, those rights are again under attack. In Toronto, Barbara Doid went to the Supreme Court of Ontario and successfully fought an injunction filed by her boyfriend, Gregory Murphy. Then she had an abortion on July 11 at the clinic run by Dr. Henry Morgentaler (page 106). As well, in the past month, a man in Winnipeg applied for a court injunction to stop his wife from having an abortion.

As an unopposed lawsuit to prevent his wife from having an abortion, it was a significant issue being an abortion. And with the little one abortion having successfully an individual women and their private dilemma, the emotional path of the rhetoric between pro-life and anti-abortion activists has

evolved. Those who support choice now find their opponents of using the courts to harass individual women. But anti-abortionists accused a change in judicial mood and predicted that new principles of fetal rights would soon be enshrined in law.

Bombardier: And, as issues between the competing branches mounted, so too did the pressure on Brian Mulroney's Conservative government to replace the country's latest abortion law. Some opponents have demanded that the government (and Parliament) immediately legislate with the issue. With Justice Minister Douglas Lewis attending a legal conference at Cambridge University in England, Mulroney rejected that option. But after months of silence and silence on abortion, the Prime Minister decided on July 20, "It is time to act. It is necessary to fill the legislative void, and we are going to do it." In an attempt to enact new legislation, Mulroney must bridge serious divisions within his own party. Despite that, some observers argued that the latest turn in the battle left the government in the chair. Jacques Steno, a lawyer with the Montreal firm Bessone Rivkin, is a specialist in health law and a director of the Quebec Society of Medicine and Law. Said Steno: "The government has to act. If they don't, they will be perceived as having an incredible lack of backbone."

Certainly, across dramatic developments stand in sharp contrast to the situation in January, 1986. At that time, the Supreme Court of Canada was in effect scale abortion a private matter between a woman and her doctor while it struck down Canada's abortion law in a case that arose out of a criminal charge laid against Morgentaler. But in the interim, the issue has exploded into intense media and public scrutiny the private lives of Doid and Daigle. In Doid's case, as Ontario Supreme Court judge granted her boyfriend, Murphy, 23, an injunction preventing her from having an abortion. The Ontario Supreme Court overturned the injunction, and Doid had her abortion. But then, in a dramatic reversal last week, she asked a lower court to say that she regretted her decision (page 101). In the Winnipeg case, 27-year-old Steven Diamond applied on July 6 for a court injunction to prevent his wife from having an abortion, that application was turned down.

Pro-life activists launched the plight of Doid and Daigle, and demanded the tactics of the anti-abortion movement in interfering with what they must see as women's private concerns. Said Ron Kow, national co-ordinator of the Toronto-based Canadian Abortion Rights Action League (CARAL): "Next year, we see some women's lives in the national news, and her social history will be talked about in the subway." For her part, Shelly Thomas, president of Everywoman's Health Centre, a Vancouver abortion clinic, said: "What is happening to this woman [Daigle] is absolutely scandalous. Other countries must

be new recognized, in at least part of Canadian jurisprudence, that the fetus has a legal personality."

But the legal and ethical arguments over abortion were in large degree overshadowed by the personal drama of both Doid and Daigle. After five Quebec Court of Appeal judges decided on July 20 that they could not reverse an immediate decision because of the complexity of her case, Daigle walked from the Quebec City courtroom. With the assistance of her lawyer, Daniel Bedard, she avoided a pack of reporters and fled to her hotel in a taxi. Two hours later, Daigle emerged to say that she would meet the court's decision, even though July 21 was the last day on which she could obtain a judicial abortion in the Quebec province of the advanced state of her pregnancy.

Abortion: At the same time, Daigle stated that she was prepared to travel to a clinic in the United States, where abortions are sometimes performed at up to 36 weeks. She also rejected the offer of an in-person abortion activity from anti-abortionists who offered Daigle \$25,000 if she would have the legal abortion. She reportedly refused to consider Tremblay's openly expressed desire for reconciliation. And on an offer prepared by her lawyer rejected their relationship as brief but important. The grace, petite and attractive Tremblay, who is five feet tall, carried on her shoulder that the most. Tremblay, a former nightclub dancer who is now 26 and began to have sex with his late December. Within the next month, he had proposed marriage and began pressing her to stop using contraceptive pills. When they began sharing her apartment, she said, he became domineering, violent and verbally abusive.



Daigle: "My rights are the rights of all women."

look at Canada and think we are in the Dark Ages." In fact, Tremblay's own close has been under intense pressure from anti-abortionists who, during a court injunction barring them from obstructing the clinic's work, have mounted almost-daily demonstrations there since the beginning of the year (page 17).

Judicial: But, for anti-abortionists across Canada, both the Doid and Daigle cases created a public concern because, in both instances, the judges who granted the injunctions did so in order to protect the rights of the fetus. Said Patricia Seneca, executive director of the League for Life in Winnipeg: "There's a growing perception that there is another human being in the picture that we have to take into consideration." And Gilles Gauthier, president of the Quebec branch of Campaign Life, declared, "I

Tremblay became physically abusive and once threw her out of the home. By May, she wanted to leave, but in her effort to stay, she said, "I was always threatening me." Daigle said that she decided to end the relationship after a July 3 quorum on the validity of their apartment, during which she claimed that Tremblay grabbed her by the throat and accused her of being "too stupid." Two days later, family members arrived from Châteauguay, 200 km to the north, to help her leave. On July 5 she told Tremblay that she was scheduled to have an abortion at a hospital in Sherbrooke, Que., on July 10.

Tremblay has now admitted that he decided to apply for an injunction to prevent the abortion after a co-worker at Versailles Food, a car

IN THE ABSENCE OF A FEDERAL LAW, COURTS ARE AWARDED NEW RIGHTS

champion in north-central Montreal, told him about the Tories' case involving David and Marjorie Thordarson that obtained a temporary injunction in Quebec City on July 7 to prevent Dejeu from having an abortion for 15 days. She learned about the question the following day while en route to Sherbrooke, Que., to have the abortion. Their lawyers then argued the case on July 17 before Superior Court Judge Jacques Vein.

Vein issued his decision the following day while en route to Sherbrooke, Que., to have the abortion. Their lawyers then argued the case on July 17 before Superior Court Judge Jacques Vein as the northern Quebec mining town of Val d'Or. But he took his time in reaching the decision. Vein made it permanent in a groundbreaking decision that recognized the fetus as a "human being" under Quebec's Charter of Rights and Freedoms.

Vein based his decision largely on the provisions of the Quebec charter. Vein cited Article 1, which states, "Every human being has the right to life, as well as security, integrity and personal freedom." He also relied on Article 2, which says, "Every human being whose life is in peril has the right to protection." Vein stated that if three rights and freedoms applied, only laws that protect them have been used. The Quebec charter would ultimately be overturned, they were clearly distressed by the new legal challenges. Indeed, Canada's Supreme Court has already ruled in the January, 1988, Supreme Court of Canada decision that appeared to guarantee a woman's right to abortion. Said Rowe: "We knew the war would go on but we thought we had won the big battle." Added Toronto lawyer Lynne Gelling, who is a member of a loosely organized group called "Tories for Choice": "The pro-choice side was hoping the whole issue would go away after the Morgentaler ruling."

Indeed, the initiative in the abortion battle has clearly passed to the anti-abortion movement. Most pro-choice groups Rowe said, are content with the status quo. They appear to view federal abortion law because it may again attract criminal sanctions to the procedure and would certainly restrict the rights of women,

she said. But by launching a fresh legal assault on abortion rights and creating the impression of an issue drift in legal circles, the anti-abortion movement has succeeded in forcing the government to pursue new legislation.



Waggie Rowe (right); Mulroney (below): a commitment to introduce new abortion legislation

Rowe added. Other critics, however, noted that the current lack of definition could produce a series of individual and contradictory abortion rulings by judges across the country.

With a new parliamentary fight over abortion imminent at this fall, the Liberal Tories and Liberals are both as deeply divided on the issue as the general public. And although the New Democrats have until now maintained a united front behind their policy of non-interference in abortion, some

Liberal caucus members insist that they are having difficulty acting under their beliefs. At the same time, the most recent poll on the subject by Gallup Canada Inc., taken in February, showed that 27 per cent of Canadians believe abortion should be legal under any circumstances, while only 13 per cent are opposed to abortion in all cases. Almost 60 per cent favor abortion, but with some restrictions on the practice.

Within the cabinet, anti-abortionists look to Deputy

Prime Minister Donald Mazankowski as a supporter. Meanwhile, pro-choice activists fear that they have a sympathetic ear in Justice Minister Lewis and Employment and Immigration Minister Barbara McDougall—the most influential female minister. One reason for Conservative caution is that abortion is a touchstone issue for the party, because many of the most ardent anti-abortionists are also Conservative voters. If the Tories are too soft on abortion, they could risk ending some of their core support to more right-wing parties,



including the Christian Heritage Party.

The Tories also risk alienating many backbenchers who are vociferously opposed to abortion. The rift within the party was first publicly put on hold after the November, 1988, general election, when Mazankowski eased tensions by appealing to anti-abortion backbenchers for a touch and the Prime Minister Agreement and the budget had cleared the house. Now, the issue is again simmering, with many backbenchers calling on the government to enact abortion legislation.

Rapids: Within the Liberal caucus, divisions over abortion run just as deep. Reflecting one view, Nova Scotia MP Murray Clay said, "I will not see women go back to root hospitals. A lot has not gone to work." But Scarborough West MP Thomas Wappell said that abortion should be prohibited even in cases of incest. "I don't think that the solution to a 13-year-old girl being raped by her father is to compound

"Before I bought my fridge, I made sure it was full of energy saving features."



"You see, every major appliance, from your refrigerator to your dryer, has what's called a second price tag. That's the amount you'll end up paying in energy costs, so it pays to be a little careful. Those energy costs can add up to thousands of dollars over the lifetime of the appliances."

"What'd we want if they could avoid it? That's why, before you buy an appliance, there are things to look for. Did you know that chest freezers use less energy than upright models? Or that conventional fridges use less energy than models with two doors side by side?"

"Another thing to look for is the EnerGuide label. It tells you just how energy efficient that new refrigerator, freezer or whatever is going to be. The lower the EnerGuide number, the lower the operating cost."

To help you save energy and money, Ontario Hydro has put together an information package full of simple tips and ideas. It even tells you how to use the EnerGuide label. To get your free copy, simply send us this coupon. Or call, toll free, 1-800-365-9000.

Name and energy appliance information	
First Name	_____
Last Name	_____
Address	_____
City	_____
Province	_____
Postal Code	_____
Telephone	_____
Include Appliances Informational (PI) or TO-2000? (Addition to Energy Book)	
Number of copies: _____	

1-800-263-9000
Ontario Hydro



that tragedy by killing an innocent baby."

While many law firms are strongly in favor of abortion, others are ambivalent about the issue. Ronald Cusack's of Davis, Block, and McFarlane Western in Burnaby and the party's status as women-centre, said that the unequivocally opposed to any legislation that would put abortion back into the Criminal Code. (Black also denounced individual lawyers as "bastards who will use any tactics to their unbridled quest for a ban.") Still, Nelson Bell at John Redegans, a Roman Catholic, said, "I believe that from the moment of conception, a fetus has a soul, but I'm prepared to trust the judgment of individual women."

Notes: In declaring his intent to enact a new abortion law, Mulroney provided only the broadest hints as to how the government will proceed. He said that the rights of both women and the unborn must be considered. Mulroney also said that he favors a free vote on the issue, but he would not provide a firm timetable. And he declared that the Tories have been trying to avoid the issue. The government has moved cautiously, said Mulroney, "so that the legislation is not struck down again by the Supreme Court."

One thing is certain: Legislators of every party will receive plenty of advice over the next few months from the anti-abortion movement. "All our efforts are now devoted to getting a good federal law," said Karen MacIsaac, one of two Campaign Life Coalition lobbyists in Ottawa. She estimates there aren't currently about 75 counter-anti-abortion sites out of the 200 in Parliament. The coalition is hoping to add a third Ottawa lobbyist this fall and is continuing

to attempt to influence the political process at other levels. Anti-abortion activists are joining federal policy associations to help educate candidates sympathetic to their cause. They are also trying to elect anti-abortion supporters to hospital boards, a tactic that has been particularly successful in British Columbia, where



Dugg's father, George, and sister Elizabeth conflict

they have stopped abortions from being performed at hospitals in five centres.

They are also hiring to the courts for injunctions to prevent abortions and, consequently, for rulings under civil law that will establish the rights of either fathers or fetuses. Paul-Norbert Croteau, a McGill University law

professor and member of the Quebec Charter of Rights and Freedoms, and that the Supreme Court ruling in the *Morgentaler* case severely narrowed abortion from the Criminal Code. "But if you decriminalize abortion you have only solved half the problem," said Croteau, "because the civil law is still there." Civil law, which falls under provincial jurisdiction, deals with disputes between individuals and corporations in which there is no element of criminal behavior. "For the first time," noted Montreal lawyer Stene, "these questions have put forward the right of the father with regard to the fetus," employing principles of civil law. Now, anti-abortion lawyers express the hope that decisions asserting the rights under civil law of either the father or the fetus will increasingly have the effect of making abortions impossible.

Pointed: No matter what gains the form of abortion war in lower courts, they will be challenged by the defendants in higher courts. So too, whatever law Parliament enacts will be bound to face its own challenge in the same court that struck down the previous abortion statute. Indeed, the outlook for men as well as for the campaigners on both sides of the issue is for a protracted and acrid fight over principles and political pragmatism. While it continues, more women are likely to find themselves, like Chantal Dugg and Barbara Dugg at the center of an intractable conflict where their personhood become battlegrounds for a public cause.

BY ANNE JENSEN with correspondent reports

DEFIANCE IN VANCOUVER

Nowhere in Canada has the anti-abortion struggle been fought with more determined force than in Vancouver. There, the Everywoman's Health Centre, the only pro-choice abortion clinic in British Columbia, has been the focus of frequent protests by anti-abortionists for seven months. Those demonstrators have continued despite a Jan. 21 court injunction prohibiting protests at the clinic. And as the anti-abortionists have defied the injunction, judges have begun to hand out stiffer sentences.

Until five months, first-time offenders at the clinic had received suspended sentences. But so July 14, Justice John Bosk of the B.C. Supreme Court imposed five-month jail sentences and \$1,000 fines on five first-time offenders. Bosk explained his stern decision by saying that what was at stake was not the abortion issue, but the

principles of a democratic society. The demonstrators' persistent defiance of the courts, Bosk said, "only encourages others to do the same thing. When that happens, justice is placed in jeopardy." Declared the judge, "If these behaviour game continued, we may have a society without democracy, but we may end up having a society that is not worth living in."

Bosk was not alone in signalling his agreement with those who harass court orders. After a demonstration on Feb. 7—the first to openly defy a court injunction against such protests—Justice K.C. Supreme Court Justice Joseph Waul gave 104 people three-month suspended sentences following trials in March. One of their lawyers, Paul Forrely, argued that his clients were "acting in obedience to a higher value and a higher law." But Waul said that the actions of the protesters were "a classic example of organized lawlessness." Although Waul said the protesters that he recognized that they held "a genuine belief in the righteousness of your cause," he added that it was the court's job "to set open the law as it now stands."

But the judge's words clearly failed to discourage further protests. On April 15, demonstrators used chains and bicycle locks to attach themselves to the clinic's door and to each other. On the morning of July 1, 50 demonstrators appeared at the clinic, singing hymns and chanting "There the solution." Two of the protesters again used bicycle locks to attach themselves to the rack in a block of concrete placed in front of the clinic. Betty Green, president of the Vancouver Right to Life Society, said that anti-abortion demonstrators in British Columbia have been studying aspects of the sensational tactics of protesters in the United States—where some radicals have gone much further, to the point of setting fire to abortion clinics. Despite the acquiescence and the courts' court warnings, the British Columbia protesters seem determined to respond to what they consider a higher calling.

FRANK ROYVILLER with GABRIEL CLARK in Vancouver

A CHANGE OF HEART

DODD'S REGRETS CAUSE FAMILY TURMOIL

Her change of heart caught people on both sides of the abortion debate by surprise. Earlier this month, Barbara Dodd, a 39-year-old-old woman and occasional erotic dancer from Toronto, brought an abortion before her former boyfriend, George Murphy, to prevent her from having another. Stunned by the public moment, she granted her appeal with determination, eventually winning her case in the Supreme Court of Ontario on July 11. Her abortion at the Morgentaler Clinic in Toronto followed weeks' hesitation. Then, a week later, came a stunning turnaround. On July 18, Dodd appeared before the media alongside Murphy, 32 and also heartbroken, to declare that she had acted under pressure from her family and pro-choice activists and now regretted having ended her pregnancy. She wanted, despite two earlier abortions in addition to the latest procedure, that she now opposed abortion.

Stripper: The conversion was as perplexing as it was unexpected. What is it that causes women to experience both depression and a new sense of regret after an abortion? Dodd was clearly no stranger to the procedure—she was the previous mother of her family, claimed that the young woman had been manipulated by her dad, otherwise boyfriend, that speaking for herself, Dodd said a new life beckoned her, and a new view of a woman's role in choosing to end a pregnancy, that changed her mind. Interviewed in a downtown coffee shop three blocks from Fitzsim's Hotel, where she worked from April to June as a stripper under the stage name of Jade, Dodd told *Maxim*: "I do not think that women should abort abortion. Especially, a woman should not decide without the father."

Almost equally puzzling was the couple's decision to issue further statements after a week

in the full glare of the media coverage that accompanied the court proceedings. Dodd's elder sister, Elizabeth, suggested that Murphy was using Dodd to regain credibility after a banking experience in court he was accused of hiding the fact that another man, 29-year-old Carmine (Chris) Muscatelli, whom Dodd

work and organized numerous press appearances. For his part, Campaign Life President James Hughes insisted that Dodd had approached his organization first. But he said, "there might be some positive fallout for us."

There may be a simpler reason for Dodd's willing return to the public eye. Said her eldest sister, Ruth: "She likes to be the center of attention." Certainly, as an erotic dancer in the Fitzsim's lounge room, Dodd had no qualms about stripping down to a G-string and dancing in tights. And, last week, she clearly seemed to be enjoying the coverage, appearing for the first time before reporters wearing makeup—which she had not used for her appearances in court—and smiling brightly for the cameras.

Born: Dodd herself traced her revised views on abortion to her realization that Murphy cared enough about her to go to court to save their child. "He loves me," said Dodd. "He wants to marry me. That is a rare man." That realization, however, apparently did not dawn on Dodd during the week's interview. Her first act of uncertainty, she told *Maxim*, came two days after the abortion, on July 13, when she first had an opportunity to spend some time alone. "I thought about what was happening and I regretted what people had done to me. They put everything in my hand."

According to the couple, it was Dodd who initiated the reconciliation. At 8 a.m. on Saturday, July 15, she traveled to White, Ont., where Murphy lives with his family. He agreed to meet her in a nearby park, and they spent the day together, aping soft thrills and talking. On Tuesday, Dodd approached Campaign Life for assistance in making the press conference.

Although Dodd denies that Murphy attempted to switch sides on the abortion issue, she willingly deserves herself as his student

"She knows a lot of words and he teaches me about business, politics and the world," she said. In an affidavit presented to the appeal court, she attempted to portray a darker side to their five-month relationship. Stated Dodd in the document: "It came from a family of modest means and often felt intimidated by George's statements, that he was much more powerful than I am because of his background."

Murphy echoed those opinions when he told *Maxim*'s last week that he and Dodd came from "different classes." The son of a stockbroker, Murphy spent 10 years at a college for the deaf in Washington, D.C., studying English and psychology, and as a private tutor for the deaf. But Dodd comes from a working-class home. Her parents, also being separated, separated she and her three sisters were all under 10, and her father, George Dodd, a steel-mill worker with a fondness for motorcycles, cast custody of the children.

Neither family appears to have approved of Dodd's relationship with Murphy. For his part, Dodd's family was so to the extraordinary length last week of calling a press conference at a Toronto park to accuse Murphy of manipulating Barbara. Said Elizabeth Dodd: "He has control over Barbara. He has got her brainwashed." And Murphy's parents, by Barbara Dodd's account, expressed sharp criticism of her career as an erotic dancer. But the two young people at the center of the tangled web of family pressures and public curiosity remained last week that there was nothing unusual in their relationship. Said Murphy: "I think that it is easy to forget your thoughts in the mix of everything, as was the case with Barbara."

Pressure: Still, the week's events left pro-choice and anti-abortion activists and family members also somewhat skeptical about the sincerity of Dodd's conversion. Said family friend from New Haven: "Her mental state was very healthy after the abortion. Why is she lying?" According to Nicholson, Dodd had been determined to have an abortion long before her case came to the attention of pro-choice activists. Indeed, Nicholson claimed that Dodd had been so set on having an abortion that, at Dodd's request, Nicholson had even booked an apartment for her at a hotel in Montreal. And Christie MacDonald, a spokeswoman for the Ontario Coalition for Abortion Clinics, also denied that she had pressured Dodd. Said MacDonald: "I do not see it as applying pressure to say, 'Barbara, we support you all the way.'"

As questions continued to lag over them, Dodd and Murphy finally withdrew from the media spotlight last Thursday and indicated in a friend's name that their hold on the public's attention may not be over yet. Dodd and that modeling agencies have contacted her to offer her contracts, and book agents and film producers from the United States have approached the couple about being stars. "I don't know, at this point," she said. "I don't know if I want to do that, but I know it leaves me have to live with the right to abortion but with the right to change your mind."

AND WALKER

A NETWORK OF CLINICS

MORGENTALER VOWS TO FIGHT THE BAN

The sign on the front door of 85 Hubbard St. in Toronto instructs visitors to enter by the rear entry. There is a line, toward women and men, and a sign on the door that says "No abortion clinic." But the scale of the campaign is advertised to the Morgentaler Clinic. No anti-abortion protesters—previously a common sight at the clinic—are allowed to appear there very. Since May,

after Dodd's dramatic conversion to the anti-abortion cause, Morgentaler said that the accident has personally disappointed him. But he added that it has in no way compromised his cause. "She wanted an abortion, she wasn't correct, and she had a very good condition," he said. "She is free to do what she wants to do, and that is the basic principle of the pro-choice movement."

Violence: After years of legal battles, Morgentaler was finally vindicated in January 1988. At that time, the Supreme Court of Canada ruled on a case brought before it by Morgentaler and declared Canada's abortion law unconstitutional. Morgentaler now maintains clinics in Montreal, Toronto and Winnipeg, although he previously worked only in Toronto and Montreal and lives mainly in Toronto with his companion, Arlene Labovitch, and their 20-month-old son. In March, Morgentaler also announced his intention to open a fertility clinic in spite of the fact that four days before his announcement the Nova Scotia government had passed a act of resolution banning certain medical procedures including sterilization—thus being performed outside of hospitals. Government spokesmen acknowledged that the main aim of the new legislation was to give Morgentaler's out of the law. But those resolutions will be challenged by the Nova Scotia Supreme Court on Aug. 8 by the Canadian Abortion Rights Action League. If the court rules against the challenge, Morgentaler added, he "is prepared to break the regulations and battle all the way to the Supreme Court." Two decades after he entered the abortion battle, at an age when most people are contemplating retirement, Morgentaler is still as thick as the light



Morgentaler: fresh court challenges on the horizon

deserted others have been barred by an Ontario Supreme Court action from displaying the clinic's work. And for Dr. Henry Morgentaler, 66, who for more than 20 years has been the focal point of Canada's abortion debate, the question has made life more bearable. "It is not so much to work," he said, "without having to be in the clinic."

But the air of calm is illusory. Protesters have continued to defy the question. And on July 11 the clinic was again at the center of controversy when Morgentaler performed, free of charge, Barbara Dodd's abortion. Now,

protesters. But those resolutions will be challenged by the Nova Scotia Supreme Court on Aug. 8 by the Canadian Abortion Rights Action League. If the court rules against the challenge, Morgentaler added, he "is prepared to break the regulations and battle all the way to the Supreme Court." Two decades after he entered the abortion battle, at an age when most people are contemplating retirement, Morgentaler is still as thick as the light

PETER KOPELSON with GLEN ALLEN in White



Dodd, Murphy: 'A woman should not decide without the father'

was also strong, could just as well have been the other way. And Dodd's public change of heart was clearly a welcome development for Campaign Life Coalition, a Toronto-based anti-abortion organization, which called Murphy following Dodd's abortion, flooded calls from the media for the couple last

THE DEBATE ABOUT LIFE

TECHNOLOGY ALTERS THE OLD RULES

If she had been born a decade earlier, this baby would not have lived. But in the summer of 1988, a medical marvel was able to take place at St. Joseph's Hospital in London. And it began when a woman gave birth to a baby girl a few days before reaching her 23rd week of pregnancy—17 weeks short of a normal full term. Weighing only nine pounds, the baby was placed in an incubator heated by tubes and wires to an array of life-sustaining connections that have been perfected over the past 10 years. Until, very recently, almost no babies born so young survived because many of their vital organs—especially the lungs—were not yet developed enough. But, for this tiny infant, there was hope for life—the result, said Dr. Graham Chesser, a specialist in newborn care at St. Joseph's, of the new technology. Other hospitals across Canada have reported similar miracles. But the women that enable doctors to perform such feats also raise an ethical dilemma of medicine: can we save a 23-week-old fetus, is it right to allow abortions to be carried out at the same stage of pregnancy?

Complex: That question is part one of many that increasingly perplex both the medical profession and society at large as the state of current developments in neonatal care and reproductive technology. And like the question of abortion itself, the issues involved are complex and intensely controversial. Some scientists argue cases that it is wrong to destroy an embryo or fetus at any stage of development, a position that would effectively rule out research in test-tube fertilization—research that is conducted on human embryos. Other observers say that it is morally defensible to destroy an embryo, or even a child that has not yet reached the age at which it is likely to be able to survive outside the womb—until recently about 28 weeks, but with current technology now about 24 weeks. And some scientists oppose any limits on abortion, arguing that the rights of the fetus at any stage of its

development must be subordinated to the rights of the mother.

In many areas, the law has not kept up with medical research. Sophisticated embryo transfers have helped to reduce the so-called age of viability. But in Britain, a law passed in 1967 and still in force permits abortions up to the

20th week when the mother's life is in danger or in the case of serious fetal abnormality. Said Benjamin Pressman, a specialist in medical ethics who teaches at the McGill University Centre for Medicine, Ethics and Law in Montreal, "My own view is that a fetus which has reached the age of viability has a strong moral claim to our protection. But there is almost no consensus about these issues."

In fact, some experts argue that it is wrong to let the issue of abortion with the question of fetal viability. Said Christine Overall, a philosophy professor at Queen's University in Kingston, Ont.: "Even if it were decided that a fetus does have a right to life, it does not follow that it has the right to occupancy of a woman's uterus. I believe that no human has the right to use another person's body."

Quest: Another set of ethical problems surrounds the use of test-tube fertilization. To increase the chances of pregnancy, doctors normally remove a large number of a woman's eggs and fertilize them in the laboratory with either her husband's or a donor's sperm. Some of these eggs are then implanted in her uterus in the hope that she will become pregnant. Most of the others are frozen and stored. But there is an widespread agreement as to what should be done with them: they are to be done with them if the couple no longer wants them. In a Vancouver divorce case, a 30-year-old man is asking a judge not to release to his wife any of the sperm frozen embryos that had been fertilized with his sperm before the couple separated. His wife has said that she should have the sole right to decide what to do with the embryos. She has requested an in-situ child support in the event that she gives birth. The case is scheduled to begin next month.



Prevalent baby: fertilized egg (below) science outpaces ethics

28th week of pregnancy. And in the United States, most states prohibit abortions only after the 26th week of pregnancy. Canada now has no legal limit, but most doctors are extremely reluctant to perform abortions after



In Canada, the federal government established itself last April to sponsor a royal commission to examine the ethical implications of new reproductive technologies. The task of the commission, which has still not been established, will be to decide whether Canada needs a new set of laws to deal with advances in the field—work, if so, what those laws should say. "Right now, the law and society's approach to these issues have clearly failed to keep up with scientific advances," said Northwest Territories Supreme Court Justice David Marshall, chairman of the standing commission on ethics and human experimentation for the Medical Research Council of Canada. "A royal commission will force people to think about these issues." But in the history of the abortion debate as graphically demonstrated, thinking about the issue does not always bring about agreement.

LESS LATER with RABBIT FINNER on ethics



Anti-abortion demonstrator in Louisiana: the bottle shifts to the states

THE RIGHTS OF THE STATES

THE BATTLE IS A 'NEW VIETNAM'

Mary Eliza Matthews, 27, took a day off from her summer job in a fast-food restaurant in Baltimore, Md., last week, drove 50 km to the United States Supreme Court in Washington, D.C., and enlisted in what many observers have described as "America's new Vietnam"—the battle over abortion. Matthews, who will enter the University of Maryland in September, told *Maclean's*: "I have never needed for anything before, but this is so vital." Her shoulder-length blonde hair hangs over her shoulders. Matthews has a large, dark, and enigmatic expression. She is a member of the Young Americans for Freedom, a conservative organization that has been active in the fight against abortion rights. She is a member of the Young Americans for Freedom, a conservative organization that has been active in the fight against abortion rights. She is a member of the Young Americans for Freedom, a conservative organization that has been active in the fight against abortion rights.

Similar demonstrations, on both sides of the debate, have become almost daily occurrences in Washington in the summer's most volatile dispute: pro-life versus pro-choice. Abortion has engulfed controversy in the United States since Congress first outlawed the practice in 1821. But a Supreme Court decision on July 2, strengthening the right of states to restrict abortion, has breathed fresh vigor into the debate. Pro-life advocates say that the court's decision could lead to a major rollback of abortion rights. But anti-abortionists, encouraged by what they consider to be a purely sympathetic public, are campaigning for the tightest restrictions possible. Declared Alabama state Representative Eudell Ross, a

Democrat opposed to abortion: "There is a people element that is indefatigable, willing almost to die for the cause."

Until the July ruling, abortion rights had been virtually unopposed in the United States for 10 years, ever since a landmark Supreme Court decision in 1973. In that ruling, Roe vs. Wade, the high court established that the right to privacy enshrined in the U.S. Constitution includes a pregnant woman's right to an abortion. Although the court permitted some limits on that right according to the stage of a woman's pregnancy in effect the ruling gave women access to abortion on demand.

Conservative: The seeds of the change in public attitude toward abortion were sown in President Ronald Reagan's two terms, during which he put his staunchly conservative beliefs on the now-number-one Supreme Court with three appointments. The so-called "Reagan court" last January agreed to hear a challenge to a Missouri statute banning all hospitals from performing abortions and compelling doctors to treat for fetal viability before performing abortions beyond 28 weeks of pregnancy. On July 2, the court ruled in a five-to-four decision that the law was constitutional. The decision did not prevent women from having abortions in private clinics—at a considerable cost. But it opened the door to more state laws like that in Missouri, which makes it more difficult for poor women to afford an abortion and restricts the availability of any abortion after 20 weeks.

Three more abortion-rights cases due to be heard by the court in the next year are expected to result in decisions group states the right to restrict abortion further. Some observers say the court may overturn Roe vs. Wade entirely, leaving abortion regulation in the hands of state legislatures. Now, pro-choice activists are preparing to fight at the state level. Said Kate Maguire, executive director of the Washington-based 200,000+ Women Voters Action Rights Action League: "We will wage an all-out war to save this."

In Europe, meanwhile, most nations have liberalized their abortion laws drastically during the past 30 years. That trend showed its strength as recently in June, when Belgium lifted its remaining ban on the procedure, leaving Ireland as the only country in the 12-member European Community where abortion is illegal. But several American groups have acknowledged that they are supporting European anti-abortionists with financial aid. Short-term victories, however, are only a means to an end, where some conservatives predict that Prime Minister Margaret Thatcher will soon force her weight behind a campaign to allow abortions only in the first 18 weeks of pregnancy, compared with the 28-week limit in the United States and Canada. However, any battle over abortion in Europe is unlikely to be resolved without high emotion—and demonstrations like the one that Mary Eliza Matthews joined in Washington.

WILLIAM LOWMYER in Washington, D.C., with PETER LEWIS in Detroit



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Alcan, a Canadian company, did more than supply aluminum alloys for the engine block, pistons and cylinder heads of this Mercedes-Benz 560 SEC.

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development by Italy's Ferrari and Britain's Jaguar. Increasing proportions of aluminum in vehicles will certainly usher in an era of lowered fuel consumption and emissions not far down the road.

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The top of the Mercedes-Benz 560 SEC.
Photo: Peter Schaefer



ALCAN IS ALUMINUM



Bodies on tarmac at crash site; dazed survivors (below); onlookers were stunned to see people walk out of the wreckage

WORLD

DOOMSDAY FLIGHT

THE CRASH OF FLIGHT 232 KILLED 110 AND RAISED SERIOUS SAFETY QUESTIONS ABOUT DC-10 AIRCRAFT

It was not the first time the 15-year-old United Airlines DC-10 had had true engine trouble. The engine overheated and quit at 55,000 feet on Sept. 28, 1988. One week later, it failed again just after takeoff from Chicago's O'Hare Airport. Then, on July 18, the jumbo jet was hit through Philadelphia by Denver because, in the words of one passenger, "everything sort of shut off." And on the othersight from Denver via Chicago, its rear engine blew up—showering debris on towns below. Worried by the controls for 40

minutes, Capt. Al Haynes, a 33-year veteran pilot, circled Sioux City before attempting an emergency landing. He cooly warned the 335 passengers and the rest of the 11-member crew that it would be "a little rougher than expected," but assured them that the plane could still fly on its two remaining engines. No one appeared to panic. What they did not know was that Haynes had selected Gateway Airport of the one-plate hydraulic failure—meaning that he could not operate the rudder or wing flaps. As the plane wobbled toward an unlit runway, a wing tip caught the tarmac, breaking the plane apart and sending a large chunk of the fuselage cartwheeling into a cornfield as a shower of flames.

Horrible onlookers were stranded to see survivors walk out of the wreckage two flight attendants, a small boy still wearing the United Airlines bags he had been given as

the plane's dazed family of five. Charlie Marts, who crawled through a window smeared with blood, said that it came from "people with feet and arms missing." Cliff Marshall of Columbus, Ohio, helped a grandmother, a small girl and other passengers escape through a hole in the fuselage before he himself fled the burning plane. In all, at least 120 people—most of them



striding in rows 9 to 26 near the wing—remained relatively unscathed. Fifty-two, co-pilot Haynes and the rest of the cockpit crew, were admitted to hospital. But 110—mostly seated in the forward first-class compartment and the tail section—were either killed in impact, burned to death or died later in hospital. Survivors were scattered over a 1,000-cv radius, some still in sleep, three-per-row in relief seats. Among the dead was Canadian Peter Foley, the 36-year-old sales manager of Toronto's multibillion-dollar television station. He had been attending a computer seminar in Colorado Springs—and wanted to fly home early for his daughter's eighth birthday.



Col. Duway Nielson with section cartwheel flames

The crash of Flight 232 raised disturbing questions about the safety of DC-10s. The Federal Aviation Administration would not confirm the cause and it had trouble studying two flight recorders and nose tapes recovered from the aircraft. But the Western Transportation Safety Board acknowledged that the rear engine was found missing its turbine fan, which, according to some experts, could have shivered off and severed hydraulic lines. Broken turbine blades tumbled back in the engine had been responsible for the two engine failures in 1986.

In 1983, McDonnell Douglas decided to stop making DC-10s—which were first built in 1969—but they are still used by 51 airlines. DC-10s have been involved in five major accidents. The entire U.S. fleet of DC-10s was grounded for inspection in 1979 after an American Airlines jet crashed in Chicago, killing 273, and there have been numerous cases of engine failure in which no fatalities occurred.

On the fatal flight from Denver—bound for Chicago en route to Philadelphia—Haynes relied on traffic controllers at 3:58 p.m. to

report that he had lost his No. 2 (rear) engine. One minute later, the pilot reported that the hydraulic system was not functioning. At 3:30 p.m., he declared an emergency and minutes later began the approach to the Gateway Airport while firefighters and medical teams readied for the crash landing, which finally occurred at 4:04 p.m.

Inside the plane, John Tresser of Milwaukee saw flames shooting through the cabin as it flipped, then "the whole nose section just disappeared," he said. Ken Vreder of Cincinnati said that he was not even aware the wing spouts doors "until I saw people in front of me blown there west belts and drop. I smelled smoke and all I could think of was getting out of there." Several passengers pressed the pilot. "He was a hero," said Tresser. "He really saved our butts." Federal aviation officials also remarked that Haynes had managed to bring the crippled jet within a few hundred yards of the airport before it overran out of control. And, says Jerry Blomstedt, who visited the hospitalized pilot, said Haynes himself was "really concerned about landing right in the heart of Sioux City."

David Green, the doctor in charge of the emergency department at the Martin Smith Center in Sioux City, watched from a hovering helicopter as the plane skidded some 800 m from where it first hit. "When I saw it burst into flames and cartwheel," he said, "my ray of hope for survivors turned into a hope. We were amazed that anybody could be alive."

Recent crews working through the night. The dead were put in a temporary morgue at the airport. The survivors were assembled in a makeshift camp beside the runway before being taken to area hospitals. All one of them, survivor Arthur Bell of Durham, N.C., said he was suffering from brain, bone, and a puncture wound—said Mackenzie that, because of a late booking, he and his 40-year-old son, Eric, were sitting in a different section of the plane from his wife, Ellen, and 30-year-old Aaron. After the crash, Mackenzie fled the dead and wounded and kept off debris. But he said to Eric, "We put lost memory and your brother."

It was not until three hours later—when a mouse spotted a toddler wearing the name "Don't worry, be happy"—T-shirt as the older boy—that the family was reunited. But despite such happy endings, neither the survivors nor the residents of seemingly idyllic Sioux City—would ever forget the horrific end of United Airlines Flight 232.

BOLGER JENSEN with ALBERT MACKENZIE at Sioux City

World Notes

ARMIES AND EXECUTIONS

A hidden-class Chinese official shot and killed and captured dissident student Wei, Diao, a chief instigator of the pro-democracy movement that soldiers brutally crushed in Tiananmen Square on June 4. Meanwhile, in Iran, five escaped Chinese dissidents—under the banner of the new-born Chinese Democratic Front—claimed that more than 120,000 people had been executed in China in the past seven months. They added that more than 200 had been secretly executed in Beijing, although the government has only acknowledged 33 executions.

PROBING A SCANDAL

In Athens, the new Greek parliament voted to investigate former Socialist prime minister Andreas Papandreu, 70, and four of his close inner ministers for alleged involvement in a \$245-million bank embezzlement scandal. Conservatives and Communists joined as did coalition governments earlier this month to clean up after Papandreu's scandal-plagued eight-year administration.

AMERICANS IN SPACE

Commemorating the 20th anniversary of the first manned lunar landing on July 20, President George Bush declared that it was time for the United States to commit itself to a sustained program of space exploration. At the Washington ceremony, Bush called for a permanent U.S. moon base early in the next century and an eventual expedition to Mars. But he made no specific offers of funding.

MASADA'S BIRTHDAY

For the first time in 20 years, Jewish birth celebrated Israel's Masada anniversary as a family reunion. As his birthday on the grounds of Victor Westcott peace center, Capt. Tova, last grandson of the family, gathered to mark Masada's 20th birthday. On July 5, Masada—who was wounded in 1964 to live imprisonment for sabotage and fighting to overthrow Soviet. Adiva's wife-cousin government—had a private meeting with President. Patai. Both the birth and special time about an ancient reborn.

PAYMENT FOR A TRAGEDY

The U.S. government offered about \$30-million compensation to the families of 293 passengers and crew killed in July, 1984, when the U.S. warship Vincennes shot down an Iranian airliner over the Persian Gulf. A Pentagon investigation concluded last year that a series of errors led crew members to mistake the Iranian Airbus A-300 for a hostile jet fighter.

POLAND

A vote for Jaruzelski

Parliamentary politics grip Poland

For he is elected to run. Then, just one day before Polish lawmakers met to select a new president, he changed his mind. Finally, on July 18, after a marathon 6½ hours of procedural wrangling and one separate ballot, Gen. Wojciech Jaruzelski squeaked in with one more vote than he needed to win the two-round election. Jaruzelski is even liked by dark glasses, the 60-year-old soldier told parliament that he wants to be "a president of commoners, a representative of all Poles." But it was a shaky mandate for the man who once sought to crush his opposition by imposing martial law, only to emerge as a guardian of democratic change.

Ironically, it was some of Jaruzelski's former allies in the Solidarity trade union who helped him secure the presidency, prompting outrage among former colleagues. Twenty-two legislators boycotted the vote and another 34 abstained—most of them Solidarity members—thereby leaving the single majority he required in the 500-seat National Assembly. The final tally was 270 votes for the general and 222 votes against. Although clearly as Solidarity delegates wanted to be seen voting for the man who had imprisoned thousands of unionists in the past eight years, many had bowed to arguments that Jaruzelski was the only one who could ensure stability in Poland at a time of economic dislocation and radical political change. Their co-operation was necessary because many Communists and their coalition partners in the "solid peasant and democratic parties"—who together control 300 assembly votes—voted against the general, whom they view as too moderate.

Jaruzelski can serve two five-year terms and will control the military and foreign relations. His immediate task will be to appoint the next government—expected this week—which must deal with worsening food shortages, a \$40-billion foreign-debt and an annual inflation rate of more than 100 per cent. Government moderates have advised Jaruzelski to choose a Solidarity party member, a step to signal a new era. But to become president, strikes shut down a Baltic shipyard and transportation in the industrial south. But Solidarity still has not decided whether joining the government would be an act of amending

responsibility—or political suicide.

Although Solidarity leader Lech Walesa openly supports Jaruzelski's bold shift toward freer markets and private enterprise, he clearly does not want to be tarred by its short-term side effects: rising austerity and more unemployment as loss-making factories shut or close down. At a meeting in Moscow two weeks ago, Kremlin leaders told Solidarity strategist Adam Michalik that it would not be a good idea

government only if "the unions and state are in mortal danger from which there is no other means." But Michalik argued that the worst-case situation was already at hand. "The catastrophe in the economy," he said, "is so deep that if nothing is done immediately there will soon be nothing left of the existing system of political campaigns."

For Solidarity, the last taste of political power came in elections on June 4 and 18, when the union won of 141 seats it was allowed to contest in the 460-seat Sejm, or lower house. It also captured 99 of the 106 seats in one newly created Senate, which will wield veto powers over assembly decisions. Jaruzelski, under fire from Communist hard-liners for the humiliating defeat, announced on June 30 that he would not seek the presidency. He only stressed himself after a grueling endorsement from Walesa, who announced on July 18 that Solidarity could work with Jaruzelski or any other Communist candidate.

Walesa had initially toward Kaczmarek had changed his mind at the urging of President George Bush, who offered a modest package of American aid during his visit to Poland five weeks ago and pressed for further commitments by the Western allies at the economic summit in Paris a few days later. The first of these, emergency food aid for Poland, was approved by European Community foreign ministers meeting in Brussels just two days before the Polish presidential election. At the same time, Pope John Paul II's oblique support to Jaruzelski by restoring diplomatic relations with his native land. This move had been expected since Warsaw restored the legal status of the Roman Catholic Church last May.

Jaruzelski himself defied his exit of his way to win Solidarity notes. Two days before the balloting, in a 15-hour grilling by Solidarity legislators, he refused to apologize for imposing martial law in 1981 and defended Poland's 1968 decision to join the Soviet-led invasion of Czechoslovakia as "good and right." Opposition leaders criticized his lack of repentance, and on election day about 50 demonstrators rallied outside parliament with banners saying "Jaruzelski must go."

Once Poland's post-1981-era general in the Sejm, Jaruzelski was the only one of Communist leaders to emerge on his own terms. Although it is his talent for survival, as well as his control of the military, that Solidarity—and the West—also counting on to keep Poland on the road to democracy. "It is a great relief," said another Solidarity ally, Jaruzelski's secretary. "We would have been in real trouble if he did not make it."

HOLLIS JENSEN and DOUGLAS TUCKER in Warsaw

NICARAGUA

A troubled revolution

The Sandinistas mark a decade in power

Last week, Nicaraguans commemorated the 10th anniversary of the Sandinista revolution. Modesto Cordero, head of the United Fruit company in Nicaragua, who is warning in Canada after 2½ years in Managua, after a block of American of the past decade his report.

The cattle were gone from the vast field across the street from the luxurious Hotel Continental. Hotel in downtown Managua. Much of the field had been paved by

with the presence of a New Jerusalem of democracy and social justice.

The shapely 19½ commercial portraiture of leading economic programs, focusing on such areas as lightened tractors being unloaded at a port and new fields of irrigated crops. But, in making the economy a focus. Agricultural exports have shrunk by two-thirds since the revolution, while Nicaraguans farmers have changed to one-third of what they were in 1980. Peasant farmers, in whose



Ortega in Managua rally: 'Better days are coming'

in other struggling Central American countries, the construction of a humble parking lot would probably not create comment. Nicaragua, however, has not seen such building of any kind in the past 15 years. Most of Managua's streets are virtually impassable due to gaping potholes, and one-third of the city's 1.3 million inhabitants lack potable water and basic sanitation. Independent economists say that inflation last year topped 30,000 per cent. But despite widespread economic decline—the result of war, a US economic embargo and mismanagement—the Sandinista National Liberation Front tried to pass a glowing picture of life after a decade in power. On state television, the Sandinistas unveiled a propaganda barrage recounting their achievements since 1979, when they won the hearts of much of the

mass. The revolution was fought, says as little as 30 cents per day. And while TV ads show children being vaccinated against disease, simple diarrhea is the leading cause of death among young Nicaraguans. For the day commercial ads. Declared the opposition newspaper La Prensa is a recent editorial. "They must think we Nicaraguans are complete idiots."

Sandinista leaders have a ready explanation for the economic distress: "the imperialism and aggression." They claim that eight years of fighting the contra—a US-backed force dispatched by former president Ronald Rea-

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gas—resulted in \$15 billion worth of damage to the economy. Since Washington cut military aid to the regime in 1986, the war has been dormant. But the destruction wrought by the rebels is irreparable. The authoritarian governing province of Donetsk is littered with the wreckage of trucks blown up by U.S.-supplied land mines. Hundreds of thousands of refugees fled Nicaragua toward and cities, where jobs are scarce and public services are overwhelmed. The Sandinistas outlawed the Reagan administration but at the price of a defense budget that, until this year, consumed 60 per cent of annual government spending.

Now, peace has become structure on the Sandinistas' burden of blame for the economic stagnation. Critics point to administrative incompetence—including laboring strategies at agrarian reform and to authoritarian economic systems—as well as ideological intolerance. As the leftist regime continually deepened the introduction of basic political and economic reforms, loans and credits from sympathetic Western countries dwindled. Even Moscow—once the Sandinista principal supporter—has significantly reduced its aid. "I am still waiting for aid from them [the Sandinistas] because I don't realize a miracle," said Moshe Hassen, the former mayor of Minsk. Hassen, 47, who joined the Sandinista Front in 1987 and fought in the revolution, quit last year. "The front has determined that its top priority is to remain in power," declared Hassen, "and anything that serves this purpose is all right."

Hassen's disenchantment is shared by many Nicaraguans who reluctantly endorsed Sandinista rule in 1979. Some 10 years ago, some observers thought that such disillusionment could spell defeat for the government in national elections next February. The elections will be a vital test, not just of Sandinista pledges to allow



Sandinista soldier; a costly war

democracy, but of the largely right-wing opposition's capacity to present a credible alternative. About a dozen of Nicaragua's 21 opposition parties have agreed to support a united ticket. But they have yet to produce a presidential candidate or a platform, and sharp ideological differences could slow the fragile alliance

before it even gets off. Find one pro-Sandinista business leader: "No one in the opposition will say it quickly, but I think they all know we'll have another six years of Daniel Ortega."

In fact, Ortega gave a campaign-style speech at the anniversary celebrations in Managua last week. Before hundreds of thousands of cheering supporters, Ortega promised that "better days are coming." He and other Managuaists were busy with Washington for stability in Central America, but added that the Sandinista revolution had been an example for oppressed people throughout the region. "The revolution possesses truth and justice," declared Ortega, who claimed that the past 10 years under the Sandinistas had been a "year" more for agrarian reform, one house and schools.

But, in the face of overwhelming evidence to the contrary, Ortega's rhetoric convinced few but the most ardent Sandinista supporters. The religious view of a Canadian nun visiting Managua was even stronger: why the 1972 earthquake. The famine was not Sandinista problems, she claimed, stood on a geological fault and would probably collapse in the next decade. Language observers of Nicaragua say that the Sandinista leadership built their New Jerusalem on a similar fault: the gap between appearance and reality. By July 30, that gap has become an abyss. And although the Sandinistas strive mightily to conceal it, last week, Nicaraguans knew that it is there. □

SOVIET GEORGIA

Summer of discontent

Strikes and violence plague the Kremlin

It made St. Catherine's Hall in Moscow's Kremlin, members of the Supreme Soviet, except their faces with leaden looks and glazed nervous mouths to ease the effects of the city's muggy 30°C heat. But, for the delegates, last week brought little other respite. In a strike that began on July 14 and spread with the incendiary swiftness of a summer brush fire, coal miners in Siberia and the Ukraine caused the worst labor disturbance in Soviet history. With more than 150,000 miners out on strike at midweek—and losses already estimated at more than \$300 million—Soviet

The fighting between Abkhazians and Georgians killed at least 34 people dead and more than 500 injured. Soviet officials acknowledge that the trouble in Abkhazia is part of a fast-growing pattern of interethnic violence. In 1989, the official Soviet news agency, reported last week that 2,600 demonstrations have taken place in the past year, involving more than 16 million people in 173 Soviet cities. After 1988, "every per cent of them [were] provoked by consciously aggravated ethnic problems."

On the other hand, the coal strike was precipitated largely by shortages of basic in-



Coal miners on strike in Prokopyevsk demand far more, soup—and a clean towel

leader Mikhail Gorbachev said delegates that new aid packages still were needed to "prevent the situation from getting out of hand." The government offered a 35-point package of incentives, including higher pay for night shifts and improved supplies of food and basic consumer goods. And at week's end Siberia and some Ukrainian strikes had returned to work, but their comrades at coalfields elsewhere in the country—in southern Russia, the far north and Central Asia—staged their own wildcat walkouts.

The strikes were not the only problem plaguing Kremlin leaders in the Soviet's summer of discontent. On July 15, the country's Interior Ministry, Moscow erupted again, this time in the autonomous region of Abkhazia, located in the southern republic of Georgia.

Senior aides. The strikers' only complaints appeared modest by Western standards. They included demands for meat with their meals and 600 g of soap—and a clean towel—every month. Both soap and coal were in short rationed across much of the country, and such trivial as sugar and toilet paper was in equally short supply. Some government officials acknowledged that "the Soviet people enjoy the Kremlin's repeated promises of short-term economic improvement with increasing skepticism." Vladimir Kostikov, director of the research institute at Gosstat, the Soviet planning agency, told *Pravda*'s "These promises are the core of the problem. The people are fed up with this illusion." Added Kostikov: "The people do not believe it, and neither do I."

Still, Kostikov and many Moscow-based

Western diplomats maintain that some Soviet reformers are encouraged by the strikes. Said Kostikov: "The strikes are a pretext for reaping the wheat structure of our trade unions [which] have been too docile and passive in defending their members." In fact, some analysts argue that Gorbachev may have gained some social political advantages in the strikes. In the Supreme Soviet, Gorbachev praised the strikers' commitment to reform. And at critical Siberian officials who, he said, "do not want to radically change the state of affairs." The day before, at a meeting of the Central Committee chairmen across the country, Gorbachev called for a purge of hard-line at all levels of the party, including the ruling Politburo. Said the Soviet leader: "The ranks of party officials need renewal, a flow of fresh blood." Still, it was apparent that, as the coal strikes spread, Gorbachev's strategy of the "new era" perspective for change had gotten out of hand.

The same could be said for the violence in Abkhazia, a region composed of 2,440 square miles and 580,000 residents. In a parallel to an outbreak of violence earlier this year between neighboring Armenians and Azerbaijan over another autonomous region, Abkhazians are demanding that their region be removed from the administrative control of Georgia and declared a full republic. But Georgians, who comprise a majority in the area, mostly oppose the idea. Violence between them began in mid-July when ethnic Abkhazians surrounded a newly opened university affiliate to protest its plans to offer courses only in the Georgian language. In subsequent clashes last week, officials at the Georgian ministry of foreign affairs said rioters had broken into prisons and police stations, stolen automatic weapons, and staged open gun battles. As a result, Soviet officials moved 3,500 troops into the area, closed the region to visitors, declared a state of emergency and imposed an 11 p.m. curfew that armed forces continued to attack extra police and troops. And Gorbachev said at week's end, "The situation remains extremely tense."

In fact, many Moscow-based diplomats say that Gorbachev is reaching a watershed in his reform efforts. With automatic tensions growing, and economic difficulties deepening, conservatives are likely to argue that he should take a tougher stand against dissent. Said a Western diplomat: "Gorbachev is walking a fine line in the balance between reinvigorating participation in perestroika and screwing up the economy." For their part, Soviet reformers claim that the government must increase the speed of reforms while warning the Soviet people that difficult times lie ahead. Said Kostikov: "Our leadership should have the guts to tell the whole lot of truth [public] demands cannot be resolved in one day, one month, or even half a year." But, in the dialogue between the increasingly strident Soviet people and their leadership, that is a message that few want to give—or receive.

ANTHONY WILSON-SMITH and
MARJORIE KAHN/STAFF in Moscow

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DAY OF RECKONING

WILLIAM CODE'S BLUNT REPORT ON PRINCIPAL CALMED INVESTORS BUT SHOOK ALBERTA'S GOVERNMENT

The magazine learned out of the peeling brick window and shouted, "Go get 'em, Bill!" in the hallway, grey-haired men with the battered cowhide briefcases as he walked down an Edmonton street last week. Lawyer William Code waved a greeting.

Then he resumed the four-block stroll from his office to the green-carpeted chambers of Alberta Court of Queen's Bench Justice Ronald Berger. Code has become an Alberta celebrity after leading a five-volume, 14-month investigation into the 1987 failure of Principal Group Ltd., the Edmonton-based financial conglomerate. But on Tuesday, July 18, at 8:55 a.m., the lawyer's role as investigator officially ended when he handed Berger a long-winded, 629-page report into the death of Principal. After a 10-minute, closed-door judge, a smiling Code emerged ready to begin a long conversation. "I'm going to be talking about my girl gone and the horses," he told reporters, "anything but the equity." But last week, the bluntest from Code's scathing report was just beginning.

For two years, the Principal affair was the most-watched show on cable television in Calgary and Edmonton. And during 205 days of educating—and often scolding—television Code sat, Beilleville, at the head of the Edmonton courtroom, joining together the army of why the \$1.2-billion/Principal empire collapsed, leaving the savings of 67,000 investors in lumps. When the doors closed, Principal

owed \$492 million to holders of investment contracts issued by subsidiaries. First Investors Corp. (FIC) and Associated Investors of Canada Ltd. (AIC) and another \$87 million to proprietary subsidiaries. The conclusions were blunt: Code laid the blame firmly at the feet of Principal founder David Cameron, a 67-year-old Harvard-trained lawyer who had once taught Code at the University of Alberta law school. Code said that evidence indicated that his old associate had acted fraudulently and dishonestly. But the report also indicated a stern condemnation of the provincial government ministers and officials who had allowed the company to continue operating despite danger signals that had been flashing for years.

The day after Code handed over his report, the federal department of consumer and corporate affairs charged Corneil, his son John, Principal's senior vice-president Kenneth Martin

through the laws the companies were a financial trouble. The report said that Cameron ignored the advice of subsidiaries who had urged her to close down FIC and AIC.

Questions in the legislature last week about the province's role in the affair, Premier Donald Getty refused to respond, saying that he would have to examine the report. But Getty was also under fire from the 67,000 Principal investors—many of them elderly, retired people in Western Canada and the Atlantic provinces—who demanded that he live up to his earlier promise to compensate them if the equity they lost the government in the collapse (page 22). Still, Ronald Getty of Victoria, who received \$134,000 with FIC "if the Alberta government wants to regain any credibility as a place to invest money, it should be prepared to pay."

In fact, the provincial government—clearly anticipating the worst from Code's report—had already acted to shield up investor confidence. On June 28, it tabled a white paper that will give Alberta none of the toughest consumer protection laws in the country. But it may take more than that for investors to forget the Principal affair—and the long string of western financial institutions that also failed during the 1980s, including the Northland Bank and the Canadian Commercial Bank.

Despite the condemnations, Principal founder Corneil continues to maintain that he is being unfairly blamed. On June 28, he was fined a \$21-million lawsuit against Cameron, her predecessor, Elaine McKay, and Alberta Treasurer David Johnston, faulting them for the collapse of Principal. Family spokesman Neil Corneil told McLev's that his father was not surprised to be disavowed most of the blame for Principal's collapse. "It is evident that the government is trying to make him the scapegoat. It doesn't matter what the Code report says. We're already being tried in the press."

But, in fact, the family's problems may be just beginning. The federal charges under the Competition Act, carry maximum penalties of

up to five years in prison and substantial fines. The Royal Canadian Mounted Police, which closely monitored the Code inquiry, is also considering laying criminal charges. Still outstanding is a \$100-million civil action filed against Corneil last March on behalf of the 62,000 FIC and AIC investors. And Corneil LeClair, a member of the law-firm-based Contract Holders Committee, representing the investors, told McLev's a few weeks that his group may try to recover more money through a separate civil action.



Corneil's accusations of fraud and deception

Neil Corneil said that his family has already lost most of its assets. David Corneil has already paid out approximately \$60 million worth of assets under the terms of the September, 1987, settlement he reached with a bankruptcy trustee, Calgary-based Collins Brown Ltd. But the family still owns five elegant waterfront homes in Victoria, one of which served as the backdrop for the 1978 NBC television movie *Five Ring Pieces*—as well as a 43-foot yacht. Neil Corneil said that his father

sold a house in Edmonton for about \$300,000 last year. And the family's sprawling 14,000-acre ranch 90 km west of Edmonton was listed by Canstar Trust in March for \$5 million. Corneil also owns a split-level, Spanish-style stucco water house in an affluent residential neighborhood in Port Moody, near Vancouver, B.C., where house prices start at more than \$1 million.

Looking for a new beginning, Corneil chose Arizona to stage a financial comeback after Principal's collapse. He is a registered trustee in a securities dealer through Sea Investors Corp., a mutual-fund company located in a modest three-story commercial building at the Phoenix suburb of Scottsdale. The company currently lists no active sales force, but state regulators said last week that they are monitoring the company's activities.

Corneil's remaining assets are just a fraction of what the self-made millionaire once owned. After graduating from Harvard, Corneil, born into a well-to-do Edmonton family, became rich and famous by creating one of North America's most sophisticated financial networks in a region normally known for oil and cattle. Starting with just \$20,000 in 1954, he built Principal by projecting a single business payout over 10 per cent of all two years and projecting long-term business growth.

Corneil soon won renown as an investment guru—predicting the peak of the Alberta real estate market in 1972 and the 1984 slump in cattle and poultry. Goodrich Fred Goodrich and David Cameron then 1985 book *The Money Masters*. "He's the kind of man you'd want to charge during a crisis," the banker predicting your life savings during the recession. "But even before that book appeared, Corneil's empire was starting to crumble. An unexplained long period started at the national level on June 30, 1987, when the Alberta government announced the losses of FIC and AIC. Six weeks later, Principal declared bankruptcy."

From the beginning, Corneil has blamed the Alberta real estate crash and a vicious provincial government for his woes. But after listening to the 205 days of testimony, Code concluded that Corneil and Principal acted vice-president. Corneil, a former national conductor and wireman-electrician salesman, were

Business Notes

A VALUABLE FRESH

In an effort to close years of its 16 plants west of Vancouver, newly acquired Molson breweries offered each of its 7,800 employees a severance package that even some labor activists said is generous. The company—financially victimized by Molson Companies Ltd. and Carling O'Keefe Breweries of Canada Ltd., agreed to pay just \$100 to Molson Canada's largest brewery in January—colored an "outside" salary and an additional 14 weeks' salary per year of service.

ELIMPO LOCKS HAIT

The 12 nations European Community began discussions with the Soviet Union on a proposed 10-year trade and economic cooperation agreement, which would allow the Soviets "most-favored-nation" status under international trade rules.

HOUSE-PRICE SURGE

The number of houses and condominiums sold in Canada declined for the fourth month in a row in June. But prices continued to surge ahead. The Canadian Real Estate Association reported that the number of houses sold dropped to 17,011, down by 22.7 per cent from June 1984, while the cost of the average house rose to \$152,181 during the same period.

STIMBERG REOPEN BACKS BID

The latest reopening Stenberg Inc.'s 12,000 Quebec-based grocery store chain played down its support behind Toronto-based Onda Investment Inc. and Lohrman Cos. Ltd.'s \$1.3-billion offer for the supermarket chain. Michael Stenberg, president of the Quebec wing of the United Food and Commercial Workers, said that the Toronto firm offers employees better pay history than a rival bid by Montreal shopping firm Bonanza Inc.

BOING BOINGWAYS

Canadian businessman Peter Togo spent 140 million to buy McEwen's Donair House, a U.S.-based chain with 657 doughnut shops in 14 western states. Togo, a friend of B.C. Premier William Vander Zant, also owns the White Spot chain of restaurants in British Columbia and Western Provinces in Ontario.

NFL TO GO GLOBAL

In an attempt to raise more television revenue and sell more of its licensed products, the National Football League's brass announced today to create a new 12-hour television channel for the sport. It will place its games in the sports-viewing hours in Europe, Mexico, the United States and some Canadian cities. Montreal

Osterman: a stern condemnation of provincial government officials

said Corneil's actions—a Principal vice-president and close friend of Corneil's—were among misleading advertising and misrepresenting financial services and products to investors. At the same time, political opponents and newspaper editors called for the resignation of Premier Development Minister Constantine (Connie) Osterman, who was the consumer and corporate affairs minister in 1984 in the government of Premier Peter Lougheed. Code said that she was "negligent and negligent" in allowing the public to invest in FIC and AIC, even

PHOTO BY MICHAEL GOODMAN

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"I told him I'd bought a ticket on a dead horse. I couldn't work. That was my reply to the rest."

For some, the effect was even more serious. Gerhard Dietz, 41, of Calgary says that he has suffered from profound depression ever since he discovered that he had lost his life savings as a result of the Principal collapse. "A general trustee lawyer told me that Marion's last work, with tears welling in his eyes, 'but it stays with you and you keep thinking about it.'" For his part, Ralph Cassler, 72, also of Calgary, was a diabetic before he learned of the loss of his \$60,000 investments, but, according to his daughter, Clio Dietz, the effect has accelerated his father's ailment.

The fact that such a high percentage of Principal's investors were older people has not helped. Many landed in the two years that have elapsed since the collapse of Cornish's empire—200 in British Columbia alone and another 300 in the five other provinces. Of the 300 elderly Principal victims who originally registered with a financial adviser group that meets regularly in downtown Calgary's Kerry Centre—a drop-in facility for senior citizens—52 are now dead. "Their health was already precarious," said Annette McCullough, director of social work at the centre, "but if you look at the financial loss they sustained as a source of stress, there is no question that it bankrupted their demise."

Not all of those who were dragged down by Principal were old, nor were they particularly unsophisticated. John Boddee, a 54-year-old account manager in Calgary, started investing in the group in the mid-1980s. "They were a good money company," he recalled. "Everybody thought they were doing well, so the

affair was, let's keep the 'West strong.'" Alberta's Heritage fall into a similar category. Bob Peter Whitson, secretary of the Heritage's Kingsville colony near the town of Fortman, "We dealt with Principal for



Thick shock that turned to anger and bitterness

25 to 30 years and never dreamed anything like this could happen." His community invested \$11.8 million in Principal Group pensionary notes, not investment contracts, part of a total Hermetic investment approach of \$30 million. One-third of the \$47 million in pensionary notes that became bad when Principal went under is held by 22 Hermetic estates.

In one sense, the Hermetics are in a far luckier position than most of the other Principal victims. While the liquidators have so far returned 43 cents on the dollar to Associated Investors' classes and 44 cents on the dollar to those involved with their investors, Principal's 760 noteholders have not received a penny yet. Even worse, they are not likely to do much better than 25 cents on the dollar since all of the group's creditors are paid off. Alberta Premier Donald Getty promised to indemnify first investors and Associated Investors investment contract holders if William Code found his Progressive Conservative government negligent in the companies' collapse. But his government, which last week declined to respond to Code's report, has not announced any plans to assist noteholders.

Still, nothing could do the pleasure with which most of Cornish's estates greeted the publication of Code's findings. "We're stoked," said Charles Mason in Nova Scotia. Margie Heston in St. John's, Nfld., declared, "It does what the Code's mechanisms are what we expected." And Rosalind Thiel said that he was a blessing at the whole affair. Said Thiel: "I really believe that when all of this is over, we will have achieved something in this country that is important for everybody. We have shown that little people just cannot be trampled on." That may be a post-mortem judgment as yet, but if it does eventually turn out to be accurate, William Code can take much of the credit.

BARRY CAMEL with JAIL GUNN in Victoria. MARTY METTITZ in Calgary and DEBORAH JONES in Kelowna

and officials say that when customers buy any financial product, they should check to see that it is insured. But it is illegal for employees of banks or other CIBC-member institutions to inform customers whether specific deposits are insured. They may only hand out two CIBC brochures and refer customers to the CIBC toll-free number, 1-800-367-1199.

CIBC chairman Ronald McKinley agreed that the province's lack of supervision, but he said that only by dispersing all information itself on the CIBC account that it is correct. Said McKinley: "The theory is that it's better for people to get no information rather than wrong information." The William Cassler, assistant director of special institutions for the Canadian Bankers' Association, said that "something has to be done to make it easier for the consumer."

The CIBC provides each depositor or joint account with \$60,000 of coverage for eligible Canadian-dollar deposits with terms of five years or less at each member institution—not each branch. That means that a couple can have up to \$120,000 of insured deposits at any

one bank or trust company, depending on \$60,000 each deposited by each spouse. \$63,000 insured by each in a Registered Retirement Savings Plan, \$60,000 insured by each in a Registered Retirement Income Fund and \$60,000 insured in a joint account. U.S.-dollar deposits are not CIBC-insured. Nor are mortgages, stocks, bonds, inventory bills, investment contracts or mutual funds. Credit unions are not CIBC members, but their deposits are backed by a fund administered by the Canadian Co-operative Credit Society and by several provincial deposit insurance plans.

In order to help consumers cope with the array of financial institutions available to them and to take some of the guesswork out of finding a safe home for individual savings, the CIBC launched a \$5-million advertising campaign earlier this year. But in the aftermath of the Principal collapse, government officials will likely find themselves under mounting pressure to do even more to dispel the confusion. □

PEOPLE

A MEMORABLE BIRTHDAY

Quebec actress Gabrielle Lazure recently spent part of her 32nd birthday yelling in agony: "I was being crushed," she explained. "And that to someone when they were killing my heart." But Lazure, the daughter of former Quebec cabinet minister Denis Lazure, was only feigning the pain of Princess de Lamballe—the devoted friend of Marie Antoinette who in 1792 was tortured and had her head put on a spike—for the \$30-million movie *The French Revolution*, in he released in October. Said the Paris-based actress: "Friendship doesn't always pay."

Lazure: crushed and tortured for devotion



Good form

Los Angeles Dodgers manager Tommy Lasorda—who once said, "I never met a small 110-lb. man"—isn't small in the dugout, but he says that Cy Young award-winning pitcher Orel Hershiser will pay for the sacrifice Hershiser has promised to donate \$24,000 to charity, and outfielder Kirk Gibson promised another \$12,000 of the new \$180,000 Lasorda, 41, maintains his 55-3 weight loss for another three months. Lasorda has stopped his practice of eating high portions of noodles. Still, insisted Lasorda, "there's nothing wrong with pasta—I just ate too much of it."



Lasorda cutting back on pasta

Culinary seduction by the stars

Some, actor Paul Newman will no longer be the only Hollywood face in a spaghetti scene (in the 64-year-old Oscar-winning heart-throb, who began marketing his special Italian tomato sauce in 1963, faces a supermarket challenge from the longtime master of charm—OF Blue Eyes, Frank Sinatra, 73, a Hoboken, N.J., native of Italian descent, announced last week that he is releasing his version of marinara tomato spaghetti topping next spring. It seems a celebrity feud fight is in the making.

SOUNDS OF THE CITY

Her 1971 album *Tapscott* sold 1.5 million copies, putting Elton John's *King* at the top of popular music charts around the world. But for the writer of such memorable hits as *The Love Train* and *Don't Get Me Started*, *King* moved from Los Angeles to his Idaho ranch where the new love with her fourth husband, art dealer Richard Sorenson. Then, last year, *King* made a rare public appearance starring for two weeks in the off-Broadway musical *After the Fall*. Out of the limelight but not in the limelight, *King* is recording another album, the just-released *City Streets*. *King*, 48, said that the "powerful emotions that you see and feel in New York" inspired her latest return to music. And earlier this month she began a 25-city North American tour, with her only Canadian stop this week in Toronto. Added *King*: "I had a long period of time to draw on, and the music just came flowing out."

King inspired by 'powerful emotions'



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CRIME

The 'Catwoman' case

An elusive burglar infuriates police

For nearly 10 years, a bold thief has prowled the well-to-do neighbourhoods of Atlanta, lurking for houses with unlocked doors and windows so that she can slip inside to remove jewelry and other valuables. In the past, when the burglar has had the bad luck to encounter a resident, she claimed that she was looking for her last

series Det. Rolly Lindsey and that Atlanta's Catwoman is a beautiful woman who at times has been a *Melrose* housewife, and who has the words "Man and Dad" tattooed on her right bicep, which police learned because she has been arrested before. Although she has never been known to carry a gun, Lindsey said that she carried the gun, on occasion, knocked people down.



Lindsey officers phone him and make moving noises

Lindsey said that police records show that a woman named Alice Marie McGee, who would now be 33 and who was originally from Saint John, N.B., was arrested for burglary in Atlanta in 1979. The same report showed that McGee was arrested again in 1983 and subsequently served three years of a five-year prison sentence for three counts of burglary in Atlanta before being deported to Canada in 1984. Lindsey said that burglaries attributed to the Catwoman resumed in the spring of 1987.

Lindsey, who has been tracking the Catwoman since 1983, said that he believes she first went to Atlanta in 1979 and was once married to a local resident. Now, says Lindsey, the Catwoman spends part of each year in Canada and returns to Atlanta to see her daughters—and

to carry out more robberies. Added Lindsey, "She's never worked a day in her life." But many questions about the Catwoman remain unanswered. For one thing, Lindsey said that he does not know how she disposes of the jewelry she steals. He added that none of it has ever shown up in Atlanta.

Meanwhile, Lindsey has received telephone calls from a woman claiming to be the Catwoman and threatening to sue anyone who accused her of the burglaries. As a result, Lindsey said that he has become the butt of jokes by fellow officers, who phone him and make moving noises. The ridicule has only strengthened Lindsey's determination to catch the Catwoman and put an end to her larcenous career.

BARBARA WICKENS with
KATHY TROCHENK in Atlanta

A master of film

Donald Brittain leaves a brilliant legacy

He was born in Ottawa, went to school there and began his working career as a reporter in the national capital. One of his earliest assignments as a summer trainee with *The Ottawa Journal* was to cover the lying in state in Parliament of William Lyon Mackenzie King, who had been at the centre of Canada's political life for more than 30 years, much of that time as prime minister. When he turned to a film-making career four years later with the National Film Board, Donald Cook Brittain carried with him a strong feeling for the national life of Canada and a fascination for the heroes, the villains and the ordinary people who helped to make the country what it is. And 35 years later, when he died at 61 of cancer in a Montreal hospital on July 22, Brittain left behind a monumental record on film and on words of his feelings and his fascinations—and of the life of Canada.

It was not that he dwelt by any means solely on Canadian subjects. His body of documentary and docudrama film work was international and eclectic. And although he felt deeply about Canada, his films were often critical of the Canadian character. As he told *Macleans* a former writer Bruce Johnson after completing *The King Came Twice*, a dramatized on-location portrait of Mackenzie King that was aired in three parts by CBC-TV last year, that work was "really about the nature of Canada—the uncertainties, the Canadian attitude." Johnson's March 28, 1980, Beyond his leaving testimony, Brittain worked and wrote and filmed with a wide angle—in Europe and Asia, the United States and Mexico. He told the stories of soldiers and politicians, industrialists and peasants, poets and adventurers. Those travels and experiences creased lines in his films—including those that were squarely Canadian—any sense of a parochial mind at work. International lessons were among the easy awards for his films. He

was widely acknowledged as a master of the documentary—"one of the finest documentary film-makers in the world," said New York City film critic David Denby in a 1988 assessment—and as a pioneer of the docudrama, the re-creation of events using actors, true-to-life scripts and sometimes newscast film. In the



Brittain, 1986: 'masterful records of our social and cultural past'

180 films that he wrote, directed or both, Brittain's lyrical scripts and finely edited images—and his sharp grill record-documentary narratives—became the trademarks of a craftsman with few peers.

Although Brittain left the staff of the NFB in 1968, many of his films after that were made under film board auspices as a filmmaker and were broadcast by CBC-TV. Apart from his Mackenzie King epic, Brittain's works during the 1980s included *The Osageons*, a trilogy

on the interlocking careers of Peter Trudeau and René Lévesque. He wrote the commentary for Timothy Douglas' *Keeper of the Flame*, a moving account of the man who was premier of Saskatchewan and later the national leader of the race. His 1985 docudrama on the gangster-style leader of a Canadian women's union in the 1930s—Canada's *Sunshine*, *The Sign of the Wolf*—was critical acclaim.

But for many viewers of Brittain's work, his triumph was a 1978 film about Malcolm Lowry, the disolute but talented English writer (1899-1957) who lived in Mexico and British Columbia, where he completed his masterwork, *Under the Volcano*, in 1947. Although unable to dramatize the work for copyright reasons, Brittain recreated Lowry's story of living in an alcoholic nightmare—*Volcano: An Odyssey Into the Life and Death of Malcolm Lowry*—as a sensitive script and dramatic images.

That film, as Brittain related later, reflected some of his personal feelings as an acknowledged heavy drinker—sardonically distasteful and a sloppy drinker—for much of his life. "I think there may be a mystical connection between drinks," he said, "even if they don't know it." At the same time, friends and colleagues testified to his human warmth and his honesty, as well as his creative brilliance. He followed horse racing and owned a race horse, played golf and as conversation was often given to himself and horses. In his work, he combined essentially a journalist and maintained a passionate interest in public life as well as in the secret nature of people.

In his personal life, Brittain's first wife was killed in an accident three years after they were married when they were both attending Queen's University at Kingston, Ont. He lived in later years in a Vancouver house in Mossburn with his second wife, Angela, with whom he had two children, Christopher and Jennifer, both now in their 30s.

A month before his death, Brittain was appointed a companion of the Order of Canada by Gov. Gen. Jeanne Sauvé. The honor's citation paid tribute to "his masterful social records of our social and cultural past." Those records remain not only as archival accounts of Canada's recent history, but as an inspiration to many others who aspire to influence in private life and as a testimony to Donald Brittain's contribution to the nation's life.

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Shostakovskiy's *Landscape with a woman working to inventively ambiguous images*

ART

Culture and glasnost

New freedom fuels a boom in Soviet art

A year ago, an auctioneer's pounding gavel in a crowded Moscow convention hall drove home the point that the Soviet art world had undergone a radical change. On July 3, 1986, Stalinsky's Lendin-based auction house, staged the first art auction ever held in the Soviet Union. The sale of 33th-century Soviet art included early contemporary works by artists who had previously been forbidden to exhibit their works in public. In the pre-glasnost era even state-sanctioned "official" artists could only sell their works to the government. But under Soviet leader Mikhail Gorbachev's reforms, artists are enjoying unprecedented access to markets at home and abroad—and some are earning large sums of money. The Stalinsky's auction, arranged through the Soviet Ministry of Culture and with 2,000 foreign bidders and Soviet collectors present, was a revealing showcase. Its sales total of \$4 million—for 144 paintings—was three times greater than organizers had predicted. Most were painter Nadezhda Stepanova, for one, sold three works in that auction for a total of \$38,000. Said Stepanova, a member of the Union of Soviet Artists: "Glasnost has not

changed what I paint—the difference is that now I can sell it."

Last year's Moscow auction was just the beginning of a boom that is becoming a harbinger for long-suppressed and deprived Soviet artists. Soviet art is selling strongly in private galleries everywhere from Switzerland to Japan. Last month, the Moscow Art Gallery, the first Canadian gallery devoted to the sale of Russian works, opened in Toronto. And groundbreaking international exhibitions, including a show pairing the works of young artists from the Soviet Union and the United States and a retrospective of the influential Soviet avant-garde period of 1910-1930, are under already under way in the advanced planning stages.

In the advanced planning stages, believed, society-critical collectors in the West have developed a voracious appetite for Soviet art. Said Hal Brodsky, owner of a New York City gallery that bears his name and which counted Western-

ers' first one-man show in New York last fall. "People are challenged by the unknown—it's a magic ingredient"—and Soviet art is now the unknown.

Moscow painter Grisha Brudsky is just an artist who is benefiting from the latest fashion. He became an instant celebrity at the Stalinsky's auction, where his *Paradise Island*, a composite work of figures reminiscent of Stalinsky's artwork, sold for \$415,000—about 10 times its pre-auction estimate. Brudsky is now in New York on an extended visit, preparing works for his first one-man show in the West at the city's Marlborough Gallery. The gallery has already sold several paintings and sculptures for as much as \$130,000.

In Toronto, Russian consuls presided at the opening of the Moscow Art Gallery. Hundreds of invited guests squeezed into the second-floor gallery, which is located in the district's capitol-like shopping quarter of Stalinsky. Scouting over and under, they perused recent paintings of Red Square and traditional villages, while an amplified *avangarde* combo played Russian folk songs and Liza's Theme from the movie *Dr. Zhivago*. The gallery is the result of a joint venture that Moscow-born dealer Maxim Alkoy, who migrated in Toronto in 1973, forged with the ministry of culture of the Russian republic of the Soviet Union. In attendance at the opening was Alexei Rodchenko, the Soviet ambassador to Canada, who noted that such enterprises as the new gallery were possible "only" at the situation of glasnost and democracy. In a *Moscow* interview after the occasion, the ambassador added: "This cultural exchange is more than an opportunity to show contemporary Russian art; it is also very good business."

For her part, Alkoy says that glasnost is not the only reason for her gallery's unprecedented expectations. For works in her first show range from \$5,000 to \$15,000, and in the first four weeks 25 of the 33 paintings had already been sold. Alkoy has a special arrangement with the ministry: the Soviet government proposes some of the works for her to sell, and she has a free hand in choosing the rest.

The ministry of culture arts the price for each work, keeping 17 per cent and passing on one of the rest to the artist. Ten per cent of what the artist receives is what is known as golden rubles—a system of payment that can be used to buy imported

goods or for international travel—and the rest is in transfer, money order or salary.

While the Moscow Gallery sells the work of artists' union members and nonmembers, its first show draws clear of controversy, favoring such neutral subjects as posed figures, landscapes and views of forests. Said Alkoy: "I don't see politics, and art. But last year and show which will open in September, will be more works by some of the artists who participated in the open-air Sokolniki exhibition on the outskirts of Moscow in 1976—the display of socialist art that was vilified on orders from Leonid Brezhnev's government."

Now, 15 years after that brutal display of glasnost, the Soviet Union is openly showcasing the work of some of its most daring artists—and participating in an unprecedented exchange program with the West. One of the most intriguing shows is 10 + 10. Each country's Soviet and American Painters Organized by the Soviet Ministry of Culture and the Modern Art Museum of Fort Worth. Then, the exhibition features work by prominent Soviet artists in Vladimir Markovskiy and Konstantin Zvezdovskiy, and prominent U.S. artists including David Salle and April Gornik. Concurrently, shows in Fort Worth, the 87-piece show will travel to San Francisco, Baltimore, N.Y., Milwaukee, Wis., and Washington, D.C. In 1990 it will move to the Soviet Union, with stops in Moscow, Leningrad, and Tbilisi, Soviet Georgia. A much larger, 600-piece collaboration by the United States, West Germany and the Soviet Union, titled *Reunion and Soviet Art of the Soviet-Germans 1900-1950*, will open in New York in 1990. And there will be further surveys for the nation too.

Sobchak's plans to include some works by Soviet artists in an *Avantgarde* sale of contemporary art in New York. The firm also expects to build a major sale of contemporary Soviet art in London during 1990.

The history of Soviet art, like a chaotic Russian novel, is steeped in brilliance and tragedy. In the years just before and immediately after the 1917 Revolution, Russian artists were at the forefront of one of the most experimental—and, ultimately, influential—art movements: Vladimir Mayakovsky and Aleksandr Rodchenko became trailblazers in abstract art, putting composition down to the simplest geometric forms. Other Russians followed them into the avant-garde—shattering Cubism and Futurism movements. But, in 1924, Josef Stalin decreed that the only acceptable art was figurative, propagandistic, socialist. Socialist Realism. The state demanded depictions of workers embracing the cause of construc-

tion—and suppressed nearly everything else. After a brief thaw in the late 1920s and early 1930s, under Nikita Khrushchev, the Soviet art world experienced renewed repression. Many artists worked at menial jobs or official art by day and created dissident works in their free time. According to artist union director Pavel Khodachenko, this free-time work could only be shown secretly. Said Khodachenko, a 1960s interview: "Those were terrible times for our culture. I had a feeling there was no way out."

Soviet artists' works are now in vogue. It is impossible to define a single predominant style. It is a cross between traditionalism and modernism. In the 1960s and 1970s, Socialist Realism was so pervasive that even the underground artists tended to work in



Zoltan Szekely's *The Town at Night*, across to Western markets

figurative styles. Quakers, 45, says that younger artists are quick to denounce the generation of "artists of stagnation." The younger generation seems experienced similar repression and are more likely to reflect such Soviet Western movements as neo-Expressionism, a cryptic, amorphous style often carried out in a conscious case. Soviet works in the 10 + 10 show range from Yury Petrov's *The Legend of Laila* (a whimsical depiction of a Soviet girl that provoked comments about space)—to Sergei Shchegolev's hauntingly ambiguous *Adelphi* (Cubist, with its deconstructing bar code and a darkly gray square superimposed over the face of a bearded Carlini Mani Price and the artist's paintings) "where a preoccupation with abstraction—also colonization that is secret and transacted."

Meanwhile, artists living in the Soviet Union are still adjusting to the extraordinary changes of the past few years—and still played by

some of the same grading problems that they have faced for decades. In January 1986, a huge Mayakovsky retrospective attracted huge crowds. It was the first Soviet exhibition of the once-banned artist's works in more than 50 years. For artists, their travel means that many of them are now seeing Western art for the first time. They are becoming new to look out for themselves in a free enterprise economy. Last month, New York City's Gossel Central Art Galleries Educational Association presented a three-day conference on that subject at Moscow's Tretyakov Art Gallery, attracting 150 artists' union members who get advice on such points as how to make their work and how to find the right gallery.

The West's unprecedented embrace for Soviet art is undoubtedly good news for its creators, but it does not solve—and could, perhaps, worsen—the problems of the Soviet Union's internal art market. Although artists can now sell directly to the public, few Soviets can afford to match the prices paid by Western collectors. As a result, much of the best art is leaving the country. Lev Tishchenko, a 30-year-old Moscow painter whose works have been sold at the 1986 Sobchak's auction in Moscow and at another in Hamburg, West Germany, acknowledges that the situation is serious. Said Tishchenko: "Soviet" someone buy our works, but the artistic process depends on people who really live in art. Unfortunately, here in our country, people cannot afford to buy experts' paintings although they may love them."

Other similar obstacles threaten art supplies and also space now sold deceptively hard to come by. And the Soviet bureaucracy often moves at an agonizingly slow pace. The ministry of culture was four months late in paying artists who participated in the 1986 Sobchak's auction. And when they did receive payment, artists found that a tax had consumed as much as 70 per cent of their earnings. Despite such frustrations, artists' union director Khodachenko speculates that the Soviet Union could be on the brink of another golden age of creativity in the visual arts. He says that the 1986 explosion in avant-garde art in Russia in the 1970s happened against a backdrop of global changes affecting our country—very much the today. Perhaps the same could happen there. Indeed, judging from the revolutionary changes of the past few years, the end of the first cold could prove to be a brave new era for Soviet art.

FAMILLA YOUNG with JUANNE EINHART in Moscow

A maestro's legacy

Von Karajan leaves behind music and memories

On the edge of death as in life, it seemed, music was everything to symphonie conductor Herbert von Karajan, best known to the world as the longtime leader of the Berlin Philharmonic Orchestra. On July 16, the 85-year-old maestro died of a heart attack at his home in Aulendorf, leaving his wife Elzabeth's hand as he slept. For barely 90 minutes before, von Karajan had received a telephone visit from Klaus Miza, the president of Sony Corp., the Tokyo-based electronics firm. Two years ago, Sony opened its only European compact disc factory virtually on von Karajan's doorstep in Aulendorf, a small town just outside the music-making city of Salzburg, his birthplace. And during last week's meeting, the two men discussed the disposition of von Karajan's personal archive—an estimated 200 issued recordings and films of more than 40 operas and performances. The outcome of that evening remains private for now. Sony officials said: But the material discussed is a rich musical inheritance.

Lying on a sofa at the maestro's home, the high-quality film and sound tapes are a personal—and so far silent—record of his work. As von Karajan once told his American biographer, Roger Wootton, "Making this record of my music is like a religion for me." The eventual release of the private cache of works would mirror the controversial conductor's already prodigious public output of recordings. Karajan recorded industry officials estimate that record companies have sold hundreds of millions of the more than 800 recordings that von Karajan made. But that was only one aspect of an astonishing wide-ranging career. Von Karajan—who was rehearsing for the July 21 opening of the 1988 Salzburg Festival, shortly before he died—was once described as "the greatest music director of Europe." At the peak of his career during the late 1950s and in the 1960s, he led the Berlin Philharmonic, Milan's La Scala, the London Philharmonic Orchestra, the Vienna State Opera and the Vienna Salzburg Festival. He married twice and maintained less than ideal, but no strong relations with musicians and bureaucrats, and his 36-year-long association with the Berlin Philharmonic was marked by more than

one public dispute. Perhaps the greatest controversy that dogged his career, however, was his Nazi party membership, which prompted the Allied occupation authorities to bar him from performing for two years after the war.

Like another native son of Salzburg, Wolfgang Amadeus Mozart, von Karajan was a child



Von Karajan, daughter Anneliese, 1926; 'a giant talent'

prodigy and he gave his first piano recital at age 5. He studied music at the Salzburg Music School and at the Vienna State Academy of Music during the era of such great conductors as Bruno Walter and his idol, Arturo Toscanini. According to Wootton's biography and interview, Nicholas Goldschmidt, who straddled the Vienna academy with von Karajan in the 1920s, von Karajan even then was recognized as "a genius, a giant talent"—although as

with a perfectionist's high expectations. Goldschmidt recalled the trouble von Karajan's father caused, as he led his conducting the student orchestra performing *The Overture to William Tell*. "I remember that at a certain moment a percussion player let his drum down," Goldschmidt recalled, chucking. "Von Karajan was livid, and throughout the rest of the performance we could hear him, coming out the sides of the orchestra, even while he conducted."

Von Karajan made his public debut as a conductor on March 3, 1929—one month before his 21st birthday—directing the Mozart opera *The Marriage of Figaro* at the German city of Ulm. At 24, he was appointed general music director in Aachen, Germany. He joined the Nazi party in 1933—he said later it was strictly to further his career—and was championed by Nazi leader Hermann Göring, particularly for his interpretation of Richard Wagner's militant music. Those connections cemented von Karajan's musical ties to Germany but, although he was long associated with the works of Wagner, he maintained a lifelong love affair with the music of Richard Strauss. He was considered by critics to be one of the foremost interpreters of Julius Antonin Bruckner's works and he excelled at Beethoven, recording the German master's last symphonies three times during his career.

Toward the end of his life, von Karajan became obstinately concerned with the awareness that he would not live to see the technical and electronic development needed for perfect sound reproduction. He even openly considered firing, once again, his own recordings—being issued for 35 years—he could take advantage of future recording technology. Then, in 1983, he founded his own company, Teleconcert, with the aim of producing video compact discs and digital audio tapes. But the equipment needed to make those high-quality recordings for mass consumption is still not available. "I should have been here two decades later," von Karajan told an interviewer last year.

Last week, von Karajan was buried during a severe, candlelit evening ceremony attended only by family members, including his two daughters, Isabella, 39, and Anneliese, 45. The site, a plot in the late century that he had picked out 18 years ago, was marked by a wooden cross and stone wall, with no inscriptions. The quiet ceremony was a surprising contrast to von Karajan's flamboyant life and the intense personal style for which he was known. While he left to his millions of admirers is not only his immense legacy of recorded music, but also his personal style—his choice of recordings and his devotion to the conductor's personal vision.

DANIEL TURELLE, with SUE MASTERMAN in Vienna and JOHN MCGLASS in Salzburg



Contemporary print of families during Ireland's 1840s famine; catastrophic

BOOKS

Haunted by history

A dispassionate look at Ireland's past

MODERN IRELAND 1680-1972
By R. F. Foster
(Princeton, 668 pages, \$42)

By the time Robert Foster opens his sweeping survey of Irish history, the stereotypes are already firmly in place. Ireland, like the continental English women of the early 19th century, was an enigmatic but treacherous place. One administrator sent from Britain complained that the nationalists were "a crafty and subtle nation" who defied understanding. A simple Englishman, the commissioner of the land apportionment, could not grasp the "wild Shanagh men" of the people across the Irish Sea. Many things changed over the next four centuries, but—as Foster amply demonstrates in this finely researched but demanding study—the elusive mobility of their English neighbors and satirists prone to comprehend the Irish was curiously out of step.

Foster, who was born in Waterford, Ireland, and now teaches history at the University of London, has said that he hopes *Modern Ireland* will help to free Irish history from the accretions of myth that have grown up around it. That history has traditionally been written as a piece of morality tale, the story of a Gaelic and Roman Catholic people struggling against, and eventually freeing themselves from, their English Protestant oppressors to form an inde-

pendent state. Foster draws on the work of contemporary historians to paint a much more complicated, subtle picture. His scholarly assessment leads him to qualify every generalization—even questioning the existence of a coherent Irish nation at the start of the modern period, preferring instead the more diffuse concept of "varieties of Irishness." The result is a work that will delight specialists but may leave average readers struggling to keep up.

Foster is at pains to demonstrate that for most of the period he covers, there was no calculated English policy of oppressing the Irish as a nation. Such a deterministic perspective is a troubling addition to otherwise rational ideas, but it sometimes leads to a disjunct in the facts that Foster himself presents. The policy of settling Scottish Protestants in Ulster was deliberate effort to impose colonial control. Oliver Cromwell's military expedition to punish the Irish for their 1641 uprising and a bloody massacre can be fairly described as genocidal in intent, if not in result. And the British government was shamelessly negligent as responding to the disaster of the Great Famine of the 1840s when as many as 2,350,000 Irish died or fled their homeland. Yet Foster remains so determined to tell that he gives little sense of the human dimension of such catastrophic events.

He is more effective in evoking the issues surrounding the eventual secession from Ire-

land of the 36 counties that now form the Irish republic. Well before the Anglo-Irish War of 1919-1921, various formulas for Irish home rule were finding wide acceptance in Britain and on the other side, great nationalists were becoming reconciled to the fact that Protestant Ulster could not realistically be included in an independent state—at least at first. In the end, more than two years of bloody civil war achieved a "Four State" arrangement that made such issues that had been previously avoided. Whether the result was worth the cost, Foster asks in his laconic manner, "may fairly be questioned." And while the nationalist may have won the war, he notes, the new state's official violence and economic stagnation in the first decades of independence make it "tempting to conclude that on water levels they lost the peace."

Even more sobering is Foster's account of the depressing reduction of what is now Northern Ireland—and how far back he roots the roots of violence. As long ago as the early 1600s, the policy of settling Protestants in Ulster and reducing their political autonomy over the Catholic population had already given the six northern counties what he calls, in typical understatement, an "edge quality." Irish Protestant writers, writes Foster, "believed they lived permanently on the edge of persecution." Three centuries later, those attitudes lived, if anything, hardened. If Foster's work suggests that most of Ireland is hardly emerging itself from the burden of past centuries, it also shows how deeply one century is still haunted by history.

ANDREW PHILLIPS

WEEKLY'S BEST-SELLER LIST

FICION

- 1 *The Russian House*, by Carol O'Connell
- 2 *The Mists of Avalon*, by Marion Zimmer Bradley
- 3 *A Prayer for Owen Meany*, by John Updike
- 4 *Sea, Shell* by
- 5 *The Shattered Shells*, by John Updike
- 6 *The Sands of Time*, by John Updike
- 7 *Capital Crimes*, by John Updike
- 8 *The Temple of My Bones*, by John Updike
- 9 *A Time on Earth*, by John Updike
- 10 *The Secret Garden*, by John Updike

NONFICION

- 1 *A Woman Without Justice*, by John Updike
- 2 *A Brief History of Time*, by Stephen Hawking
- 3 *Love and Marriage*, by John Updike
- 4 *Being Wicked*, by John Updike
- 5 *Seven for Six*, by John Updike
- 6 *Walden*, by John Updike
- 7 *The Avon Valley*, by John Updike
- 8 *Walden*, by John Updike
- 9 *The Most Beautiful House in the World*, by John Updike
- 10 *Walden*, by John Updike

Compiled by Steven Schneider



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A bunker mentality in New Brunswick

BY ALLAN FOTHERINGHAM

It really is good to know that there are some governments with the proper priorities. There is so much waste with the taxpayer's dollar it is a rare find politicians who keep the common man in mind. There are so many silly and unnecessary projects financed with public money that only occasionally do we encounter an initiative that we can all applaud. I refer, of course, to the decision to build a \$3.4-million underground bunker in New Brunswick where government leaders would live in a nuclear war.

Somehow, all around us, managery politicians with no vision are concerning themselves with nuclear reforms and unemployment benefits and the debate over abortion. Out in Fredericton, they've got their eye on the real issue—how to provide a Ping-Pong room for the premier and his pals while nuclear destruction levels the rest of the world. Good thinking.

Construction of the Regional Emergency Operations Centre will begin in August. Dig into a hill about five kilometres from the New Brunswick legislature, the bunker will have fully equipped living quarters for up to 300 people. There will be 35 bedrooms, including two executive suites, 14 bathrooms, a lounge, an exercise room, a games room and a fully equipped kitchen with a walk-in freezer. There will be a Ping-Pong table, stationary bicycle, treadmill, weights, a large-screen television, a washer and dryer and an air-conditioned dispenser. This is no mansion of the 90s.

The news that there are 300 people in New Brunswick worth saving will come as a surprise to the rest of the country. Think about it. Say you live in Ontario, which has some nine million people: more than 100 times as many. Can you think of 300 Ontarians worth saving? Ben Louca's transfer perhaps, the premier, Peter Sturt's lawyer, Peter Mewett and Ed Mervish. After that, the imagination tends to run out. The thought that little New Brunswick actually has 300 precious bodies that to survive the nuclear holocaust is imperative indeed and causes awe to this, perhaps we've been underestimating old N.B. all these nuclear-free years.



The motivation that Premier Frank McKenna and his cabinet, when they ran for their offices away from the ice-cube dispenser and the stationary bicycle, plan to pass it to the large-screen TV also demonstrates the forward-thinking that has gone into this project. It would be interesting to know what they plan to watch, while the rest of the universe is being devastated. Do they think about old Kenneth Nash, the remainder of civilization trashed, will still be there in Toronto reading the news?

Clearly, Fredericton reasons, when the first missiles start to fly, New Brunswick will be a prime target with Toronto only a secondary thought in Moscow thinking. Perhaps the bunker's planners will stock the post with videos—Dennis Dale Brownell and scenes of Steven Langdon's speeches.

This worthwhile use of public money results the fact that Ontario thinkers, while nuclear peace was in full force and greatly fashionable,

planned a similar halfway-somewhere led by Boris Casavov—dar the Diefenbaker cabinet, and the major issue was that Dief declared he wouldn't go underground without Clax.

This is the rub. Does Mrs. McKenna make the list of 300? It seems a number of "high-powered elite constant doors" are being installed, apparently to prevent uncomfortable persons from entering it once it has been sealed. Does Richard Hatfield own an? How many state wives of cabinet ministers, what not, might take drastic action? I wouldn't want to be one of the Elite 300. Bizarre cocktail party parking orders are not enough. Things could get messy around Fredericton.

Even more odd is the fact that N.B. has chosen Ottawa while paying for it all. Only Ottawa could plan for 300 people living up for 14 bedrooms. It's federal constipation, in usual.

There's another matter. All over the globe, glaciers are melting and the ice holding free elections. Hungary is cutting down the barbed wire. There are notes in Czechoslovakia. But in New Brunswick, there's the matter of the select 300 and 35 bedrooms. How do you fit 300 into 35? "The structure is simple in Canada," says Dave Peters, operations director for Emergency Preparedness Canada in Ottawa. It certainly is, if someone can decide who gets the summer camp bunk beds and who has to stretch out on the Ping-Pong table.

The hole in the hill will be able to hold stuff shut and operate for a number of two weeks on its own resources. That is very reassuring to hear, since by New Brunswick reducing the nuclear war is going to last just two weeks. Most of us think it would last about 20 minutes, but it is nice to know that McKenna and the 300 spend some time 14 days with a walk-in freezer will be sufficient for the weekend to begin to reload.

It is quite clear what is going to happen. With New York obliterated, Washington reduced to a smoking plain, Moscow gone and London a tatters, the clever brains in the Fredericton command post will be the only viable government left on earth. Its ministers, not only alive but fit through rigorous Ping-Pong sessions.

Thus, near bank protection by the high-powered elite constant doors, they will travel their way west and by expert calculations look into the Diefenbaker. But not alone and registered just out of sight. From there, it would be relatively simple to wipe out remains of Ontario, and you know what that means. There goes Mosch Lake.

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